

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
COMMONWEALTH OF KENTUCKY

Regular Session 1936

VOL. I

Held in the State Capitol, in the Capital City of Kentucky,
at Frankfort, in the year of Our Lord 1936 and in
the One Hundred and Forty-Fourth year
of the Commonwealth

Begun on the seventh day of January and adjourned
sine die on the fifteenth day of February

BROOKS L. HARGROVE, *Chief Clerk*
MARSHALL BARNES, *Assistant Clerk*
JANE ADDAMS WADDLE, *Stenographer*

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
COMMONWEALTH OF KENTUCKY

Regular Session 1936

TUESDAY, JANUARY 7, 1936.

At a General Assembly of the Commonwealth of Kentucky, begun and held at the Capitol, in the city of Frankfort, on Tuesday, the seventh day of January in the year of our Lord, one thousand nine hundred and thirty-six, and the one hundred and forty-fourth year of the Commonwealth, that being the day fixed by the Constitution for the meeting thereof, J. Erwin Sanders, Chief Clerk of the House of Representatives, during the session of the General Assembly last passed, called the House to order and after prayer by the Reverend Ross E. Dillon of the First Baptist Church of Frankfort, Kentucky, produced and read the following certificate from the Secretary of State, viz.:

COMMONWEALTH OF KENTUCKY
OFFICE OF SECRETARY OF STATE

I, Chas. D. Arnett, Secretary of State for the Commonwealth of Kentucky, do certify that, based upon records and information filed in this office, the following appear to be the legally elected members of the House of Representatives:

CHAS. D. ARNETT,
Secretary of State.

First District, W. L. Hampton, Jr.	Fulton, Ky.
Second District, W. F. McGarry	Cunningham, Ky.
Third District, Duke Mayfield	Water Valley, Ky.
Fourth District, Henry Ward	Paducah, Ky.
Fifth District, V. O. Chandler	Marion, Ky.
Sixth District, T. B. McConnell	Princeton, Ky.
Seventh District, Ben Grogan	Murray, Ky.
Eighth District, Joe L. Wall	Eddyville, Ky.
Ninth District, J. F. Ladd	Cadiz, Ky.
Tenth District, Tyler Munford	Morganfield, Ky.
Eleventh District, George S. Clay	Henderson, Ky.
Twelfth District, Marion T. McCarthy	Blackford, Ky.
Thirteenth District, W. R. Tapp	Madisonville, Ky.
Fourteenth District, Eugene Gough	Hopkinsville, Ky.
Fifteenth District, R. T. Kirkman	Elkton, Ky.
Sixteenth District, G. S. Milam	Russellville, Ky.
Seventeenth District, Russell O'Neill	Drakesboro, Ky.
Eighteenth District, John Kirtley	Island, Ky.
Nineteenth District, Wade H. Riley	Owensboro, Ky.
Twentieth District, Douglas Bolling	Owensboro, Ky.
Twenty-first District, Dr. R. A. Byers	Horse Branch, Ky.
Twenty-second District, Reuben J. Boling	Cloverport, Ky.
Twenty-third District, Garland Embry	Caneyville, Ky.
Twenty-fourth District, Thomas W. Hines	Morgantown, Ky.
Twenty-fifth District, Rodes K. Myers	Bowling Green, Ky.
Twenty-sixth District, W. G. Williams	Bowling Green, Ky.
Twenty-seventh District, Clarence E. Evans	Franklin, Ky.
Twenty-eighth District, W. H. Miller	Scottsville, Ky.
Twenty-ninth District, L. Roger Wells	Cave City, Ky.
Thirtieth District, Leslie Larimore	Greensburg, Ky.
Thirty-first District, Clyde S. Howard	Elizabethtown, Ky.
Thirty-second District, Henry H. Allen	Brandenburg, Ky.
Thirty-third District, Dr. B. F. Shields	Taylorsville, Ky.
Thirty-fourth District, Wallace Brown	Bardstown, Ky.
Thirty-fifth District, Sam Dever	Bradfordsville, Ky.

Thirty-sixth District, H. T. Baker	Columbia, Ky.
Thirty-seventh District, Jas. C. Carter, Jr. ....	.....
.....	Tompkinsville, Ky.
Thirty-eighth District, Bruce Sloan	Albany, Ky.
Thirty-ninth District, H. Myer Garner	Liberty, Ky.
Fortieth District, Robert E. Lee	Monticello, Ky.
Forty-first District, J. A. Coleman	Somerset, Ky.
Forty-second District, J. C. Ramey	Waynesburg, Ky.
Forty-third District, John C. Robinson	Danville, Ky.
Forty-fourth District, Charles S. Matherly .....	.....
.....	Harrodsburg, Ky.
Forty-fifth District, Ollie J. Bowen	Lawrenceburg, Ky.
Forty-sixth District, George W. Dunlap	Versailles, Ky.
Forty-seventh District, Charles Wylie	Nicholasville, Ky.
Forty-eighth District, Joseph E. Robinson	Lancaster, Ky.
Forty-ninth District, Ira W. Hulette	Frankfort, Ky.
Fiftieth District, W. T. Baker	Shelbyville, Ky.
Fifty-first District, James Garnett, Jr.	Louisville, Ky.
Fifty-second District, Ferd A. Gnau	Louisville, Ky.
Fifty-third District, Al W. Pfeiffer	Louisville, Ky.
Fifty-fourth District, Carl Schneider	Louisville, Ky.
Fifty-fifth District, C. P. Farnsley	Louisville, Ky.
Fifty-sixth District, W. T. Rollo	Louisville, Ky.
Fifty-seventh District, W. E. Mull	Louisville, Ky.
Fifty-eighth District, Charles W. Anderson, Jr. ....	.....
.....	Louisville, Ky.
Fifty-ninth District, Herbert Cook	Bedford, Ky.
Sixtieth District, Harry C. Records	Sparta, Ky.
Sixth-first District, O. C. Jones	Owenton, Ky.
Sixty-second District, P. L. Sidebottom	Williamstown, Ky.
Sixty-third District, John Hunnicutt	Ludlow, Ky.
Sixty-fourth District, S. J. Wagner	Covington, Ky.
Sixty-fifth District, Thomas P. Fitzpatrick	Covington, Ky.
Sixty-sixth District, John L. McDermott	Ft. Thomas, Ky.
Sixty-seventh District, Carl Scheben	Newport, Ky.

Sixty-eighth District, A. W. Ross	Brooksville, Ky.
Sixty-ninth District, John Marshall	Maysville, Ky.
Seventieth District, Floyd Clark	Carlisle, Ky.
Seventy-first District, B. F. Bedford	Cynthiana, Ky.
Seventy-second District, Lloyd MacDonald	
.....	Flemingsburg, Ky.
Seventy-third District, Stanley S. Dickson	Paris, Ky.
Seventy-fourth District, Roscoe Claxon	Georgetown, Ky.
Seventy-fifth District, Howard G. Early	Lexington, Ky.
Seventy-sixth District, Chester D. Silvers	Lexington, Ky.
Seventy-seventh District, D. T. Matlack	Winchester, Ky.
Seventy-eighth District, J. H. Jones	Biggerstaff, Ky.
Seventy-ninth District, L. K. Rice	Jackson, Ky.
Eightieth District, James T. Hamilton	McKee, Ky.
Eighty-first District, G. M. Ballard	Mt. Vernon, Ky.
Eighty-second District, H. C. Steely	Williamsburg, Ky.
Eighty-third District, Claude L. Hammons	
.....	Barbourville, Ky.
Eighty-fourth District, Robert VanBever, Jr.	Pineville, Ky.
Eighty-fifth District, G. W. Garrett	Booneville, Ky.
Eighty-sixth District, Hobart Rayburn	Emerson, Ky.
Eighty-seventh District, Harry Davis	Rooney, Ky.
Eighty-eighth District, Harry Stewart	Greenup, Ky.
Eighty-ninth District, Dr. Harry S. Swope	Ashland, Ky.
Ninetieth District, Walter R. Fannin	Roscoe, Ky.
Ninety-first District, John B. Mollett	Van Lear, Ky.
Ninety-second District, Roy Conway	Pikeville, Ky.
Ninety-third District, Mel Petry	Prestonsburg, Ky.
Ninety-fourth District, F. T. Allen	Campton, Ky.
Ninety-fifth District, Elmer McGlothlin	Frenchburg, Ky.
Ninety-sixth District, J. T. Jennings	Morehead, Ky.
Ninety-seventh District, Ben W. Johnson	Vicco, Ky.
Ninety-eighth District, Ray O. Sheehan	Harlan, Ky.
Ninety-ninth District, Price Holbrook	Salversville, Ky.
One Hundredth District, J. C. Nickell	West Liberty, Ky.

The Chief Clerk aforesaid, called the roll and the following members answered to their names, viz.:

F. T. Allen	Eugene Gough	Rodes K. Myers
Henry H. Allen	Ben Grogan	J. C. Nickell
C. W. Anderson, Jr.	Jas. T. Hamilton	Russell O'Neill
H. T. Baker	C. L. Hammons	Mel Petry
W. T. Baker	W. L. Hampton, Jr.	A. W. Pfeiffer
G. M. Ballard	Thomas W. Hines	J. C. Ramey
B. F. Bedford	Price Holbrook	Hobart Rayburn
Reuben J. Boling	Clyde S. Howard	Harry C. Records
Douglas Bolling	Ira W. Hulette	L. K. Rice
Ollie J. Bowen	John M. Hunnicut	Wade H. Riley
Wallace Brown	J. T. Jennings	Joe E. Robinson
Dr. R. A. Byers	Ben W. Johnson	John C. Robinson
Jas. C. Carter	J. H. Jones	W. T. Rollo
V. O. Chandler	O. C. Jones	A. W. Ross
Floyd Clark	R. T. Kirkman	Carl Scheben
Roscoe Claxon	John Kirtley	Carl Schneider
George S. Clay	J. F. Ladd	Ray O. Shehan
J. A. Coleman	Leslie Larrimore	Dr. B. F. Shields
Roy Conway	Robert E. Lee	P. L. Sidebottom
Herbert Cook	M. T. McCarthy	Chester D. Silvers
Harry Davis	T. B. McConnell	Bruce Sloan
Sam Dever	J. L. McDermott	H. C. Steely
Stanley S. Dickson	Lloyd MacDonald	Henry Stewart
George W. Dunlap	W. F. McGary	Dr. H. S. Swope
Howard G. Early	Elmer McGlothen	W. R. Tapp
Garland Embry	John Marshall	R. Van Bever, Jr.
Clarence E. Evans	C. S. Matherly	S. J. Wagner
Walter R. Fannin	D. T. Matlack	Joseph L. Wall
Chas. P. Farnsley	Duke Mayfield	Henry Ward
T. P. Fitzpatrick	G. S. Milam	L. R. Wells
H. Myer Garner	W. H. Miller	W. G. Williams
G. W. Garrett	John B. Mollett	Charles Wylie
James Garnett, Jr.	W. E. Mull	
Ferd A. Gnau	Tyler Munford	

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The oath of office as required by the Constitution was then administered to each and all of said members by the

Honorable William Rogers Clay, Chief Justice of the Court of Appeals.

The said Chief Clerk then announced that the election of Speaker of the House of Representatives was in order.

Dr. B. F. Shields named The Honorable John Kirtley of the County of McLean, as a suitable person to fill said office.

Mr. Reuben Boling named The Honorable Claude Hammons of the County of Knox as a suitable person to fill said office.

There being no further nominations for the office of Speaker of the House of Representatives, the vote being taken thereon, resulted as follows, viz.:

Those who voted for the Honorable John Kirtley were:

F. T. Allen	James Garnett, Jr.	John Marshall
Henry H. Allen	Ferd A. Gnau	C. S. Matherly
W. T. Baker	Eugene Gough	D. T. Matlack
B. F. Bedford	Ben Grogan	Duke Mayfield
Douglas Bolling	C. L. Hammons	G. S. Milam
Ollie J. Bowen	W. L. Hampton, Jr.	W. E. Mull
Wallace Brown	Price Holbrook	Tyler Munford
Floyd Clark	Clyde S. Howard	Rodes K. Myers
Roscoe Claxon	Ira W. Hulette	J. C. Nickell
George S. Clay	John M. Hunnicut	Mel Petry
Roy Conway	Ben W. Johnson	A. W. Pfeiffer
Herbert Cook	O. C. Jones	J. C. Ramey
Sam Dever	R. T. Kirkman	Harry C. Records
Stanley S. Dickson	J. F. Ladd	L. K. Rice
George W. Dunlap	M. T. McCarthy	Wade H. Riley
Howard G. Early	T. B. McConnell	Joe E. Robinson
Clarence E. Evans	J. L. McDermott	John C. Robinson
Chas. P. Farnsley	W. F. McGary	W. T. Rollo
T. P. Fitzpatrick	Elmer McGlothen	A. W. Ross

Carl Scheben	W. R. Tapp	L. R. Wells
Carl Schneider	S. J. Wagner	W. G. Williams
Dr. B. F. Shields	Joseph L. Wall	
P. L. Sidebottom	Henry Ward	—67

Those who voted for the Honorable Claude Hammons were:

C. W. Anderson, Jr.	H. Myer Garner	John B. Mollett
H. T. Baker	G. W. Garrett	Russell O'Neill
G. M. Ballard	Jas. T. Hamilton	Hobart Rayburn
Reuben J. Boling	Thomas W. Hines	Ray O. Shehan
Dr. R. A. Byers	J. T. Jennings	Chester D. Silvers
Jas. C. Carter	J. H. Jones	Bruce Sloan
V. O. Chandler	John Kirtley	H. C. Steely
J. A. Coleman	Leslie Larrimore	Henry Stewart
Harry Davis	Robert E. Lee	Dr. H. S. Swope
Garland Embry	Lloyd MacDonald	R. Van Bever, Jr.
Walter R. Fannin	W. H. Miller	Charles Wylie

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The Honorable John Kirtley, having received a majority of the votes cast, a majority of all the members elected being present and voting, was declared by the Chief Clerk to be duly elected Speaker of the House of Representatives.

The Chief Clerk aforesaid appointed Messrs. Clarence E. Evans, Claude Hammons, Dr. B. F. Shields and Wallace Brown as a committee to inform the Speaker elect of the action of the House and to escort him to the Chair.

After a time, the committee aforesaid accompanied The Honorable John Kirtley on the floor of the House, who took his position at the Speaker's desk and after expressing his appreciation for the honor conferred upon him, announced that he was now ready to take the oath of office, which said oath was administered by The Honorable William Rogers Clay, Chief Justice of the Court of Appeals.

The Speaker then introduced to the House The Honorable Grover C. Whalen, former Police Commissioner of New York City.

The Speaker then announced that the next order of business was the election of a Chief Clerk of the House and other minor officers to be filled by the House, in accordance with the Constitution.

Thereupon Mr. Joe Robinson named The Honorable Brooks L. Hargrove of the County of Lincoln as a suitable person for the office of Chief Clerk of the House;

Marshall Barnes of the County of Ohio, for Assistant Clerk;

Charles Leo Hilker of the County of Kenton for Sergeant-at-Arms;

Mrs. Jesse S. Baskett of the County of Harrison for Enrolling Clerk;

Benton Smith of the County of Simpson for Doorkeeper;

Joe Craft of the County of Letcher and Eura Wall of the County of Lyon as Cloakroom Keepers;

Thos. Woods of the County of Webster for Janitor;

Marion Dale Lancaster of the County of Woodford, Thomas B. McConnell of the County of Caldwell, Venus Ramey of the County of Lincoln and John D. Whisman of the County of Powell, for pages.

There being no further nominations for said offices, Dr. Shields moved that the Speaker of the House be authorized and directed to cast one vote on behalf of the entire House,

for all those parties above named to fill the offices set opposite their names.

Said motion was agreed to.

The Speaker, having cast one vote for the House as above directed, declared said parties duly elected to said offices.

Thereupon all of the said officers above named appeared before the bar of the House and took the oath of office as required by the Constitution and laws of Kentucky, which was administered by The Honorable William Rogers Clay, Chief Justice of the Court of Appeals.

Dr. Shields offered the following resolution, viz.:

Be It Resolved by the House of Representatives: That a Committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business and that said Committee shall in conjunction with a like Committee to be appointed from the Senate, wait upon the Governor and inform him that this General Assembly is now organized and ready to receive any communication he may desire to make.

Said resolution was adopted.

Thereupon the Speaker announced the following as members constituting said Committee: Messrs. B. F. Shields, Stanley Dickson, George Dunlap, Joseph Robinson and Claude Hammons.

Dr. Shields offered the following resolution, viz.:

Be it Resolved by the House of Representatives: That

the Sergeant-at-Arms be directed to invite the pastors of the various churches to attend the meetings of this House and open the sessions thereof with prayer.

Said resolution was adopted.

Dr. Shields offered the following resolution, viz.:

Be it Resolved by the House of Representatives: That the Speaker be, and he is hereby empowered to employ such assistance in and about the House Chamber during the session of the General Assembly, as, to him, may seem advisable under the provisions of Chapter 69, Session Acts of 1926.

Said resolution was adopted.

Dr. Shields moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Dr. Shields offered the following resolution, viz.:

Be it Resolved by the House of Representatives: That the Speaker of this House be authorized and directed to appoint a Special Temporary Committee of five members for the sole purpose of drafting and submitting rules for the approval and adoption by the House.

Said resolution was adopted.

Dr. Shields moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Thereupon the Speaker announced the following as members constituting said Committee: Messrs. George Clay, John Marshall, John Robinson, W. T. Baker, T. B. McConnell.

Dr. Shields moved that the House do now recess until five-thirty o'clock P. M. out of respect to the late William B. O'Connell, Clerk of the Court of Appeals, whose death occurred today.

Said motion was agreed to.

And then the House recessed.

The hour of five-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Dr. Shields of the Committee heretofore appointed by the Speaker to notify the Senate that the House was now organized and ready to proceed to the transaction of business and to wait upon the Governor, in conjunction with a like Committee on the part of the Senate, announced that they had discharged the duties imposed upon them and that the Governor would address a Joint Session of the House of Representatives and the Senate of Kentucky on today at five-thirty o'clock P. M.

Thereupon the Senate of Kentucky appeared and in order entered upon the floor of the House of Representatives and the Honorable Keene Johnson, Lieutenant Governor and President of the Senate, took the Chair and presided, and the Honorable John Kirtley, Speaker of the House of Representatives, having taken his seat on the right of the President of the Senate, the two Houses were convened in Joint Session which was composed of a majority of all the members elected to each House.

The roll of the two Houses was called and the following members answered to their names, viz.:

For the Senate—

Lear Buckley	E. B. Miller	Ray A. Smith
Walter A. Crockett	E. C. Moore	John A. Sugg, Jr.
John L. Cummins	J. Lee Moore	Jos. P. Tackett
Edwin C. Dawson	Dr. R. C. Moss	Jas. H. Thompson
W. C. Farmer	Ray B. Moss	J. E. Trager
Lee Gibson	John T. Murphy	Ervine Turner, Jr.
Ralph Gilbert	Clarence E. Nickell	Thomas O. Turner
Fred A. Harrison	Dr. G. W. Ragan	E. T. Wesley
J. Joseph Hettinger	S. C. Ray	Otis White
W. H. Jones, Jr.	J. L. Richardson	B. M. Williams
Leo King	Franklin Rives	J. E. Wise
J. W. McDonald	J. M. Rose	J. M. Wolfenbarger
Stanley B. Mayer	Ira W. See	

For the House of Representatives—

F. T. Allen	Harry Davis	Thomas W. Hines
Henry H. Allen	Sam Dever	Clyde S. Howard
C. W. Anderson, Jr.	Stanley S. Dickson	Price Holbrook
H. T. Baker	George W. Dunlap	Ira W. Hulette
W. T. Baker	Howard G. Early	John M. Hunnicut
G. M. Ballard	Garland Embry	J. T. Jennings
B. F. Bedford	Clarence E. Evans	Ben W. Johnson
Reuben J. Boling	Walter R. Fannin	J. H. Jones
Douglas Bolling	Chas. P. Farnsley	O. C. Jones
Ollie J. Bowen	T. P. Fitzpatrick	R. T. Kirkman
Wallace Brown	H. Myer Garner	John Kirtley
Dr. R. A. Byers	G. W. Garrett	J. F. Ladd
V. O. Chandler	James Garnett, Jr.	Leslie Larrimore
Floyd Clark	Ferd A. Gnau	Robert E. Lee
Roscoe Claxon	Eugene Gough	M. T. McCarthy
George S. Clay	Ben Grogan	T. B. McConnell
J. A. Coleman	Jas. T. Hamilton	J. L. McDermott
Roy Conway	C. L. Hammons	Lloyd MacDonald
Herbert Cook	W. L. Hampton, Jr.	W. F. McGary

John Marshall	A. W. Pfeiffer	P. L. Sidebottom
Elmer McGlothen	J. C. Ramey	Chester D. Silvers
C. S. Matherly	Hobart Rayburn	Bruce Sloan
D. T. Matlack	Harry C. Records	H. C. Steely
Duke Mayfield	L. K. Rice	Henry Stewart
G. S. Milam	Wade H. Riley	Dr. H. S. Swope
W. H. Miller	Joe E. Robinson	W. R. Tapp
John B. Mollett	John C. Robinson	R. Van Bever, Jr.
W. E. Mull	W. T. Rollo	S. J. Wagner
Tyler Munford	A. W. Ross	Joseph L. Wall
Rodes K. Myers	Carl Scheben	Henry Ward
J. C. Nickell	Carl Schneider	L. R. Wells
Russell O'Neill	Ray O. Shehan	W. G. Williams
Mel Petry	Dr. B. F. Shields	Charles Wylie

The Lieutenant Governor introduced to the members of the Joint Session, the members of the Reorganization Advisory Commission.

After a time the Committee heretofore appointed on the part of the House of Representatives and the Committee heretofore appointed on the part of the Senate, to wait upon the Governor, appeared upon the floor of the House with His Excellency, Albert Benjamin Chandler, Governor of the Commonwealth of Kentucky, who addressed the General Assembly in Joint Session, as follows, viz.:

MR. PRESIDENT, MR. SPEAKER AND MEMBERS OF THE GENERAL ASSEMBLY OF KENTUCKY:

In obedience to the mandate of the Constitution I appear before you today as Governor of the Commonwealth to give to you information concerning the state of the Commonwealth and to recommend for your consideration such measures as are deemed expedient.

Let me congratulate each of you upon the opportunity that has been given to you to serve the people of your State

in a legislative capacity. The men and women of your counties and of your districts who loyally supported you in the elections during the year just past are looking to you to solve the many pressing problems that confront the people of the Commonwealth, and they are expecting you to solve them correctly.

In the performance of your duties I am confident that each of you is sincerely desirous of making a good record as a legislator and will act with wisdom and discretion and will, to the best of your ability, strive to make a record that will be pleasing to the men and women who sent you here.

FINANCIAL SITUATION

In order to acquaint you with the financial situation at present existing in our State, it is important that I give to you a brief history of Kentucky's financial problems.

In 1908 when Governor J. C. W. Beckham retired from office of Governor of Kentucky there were no outstanding debts existing against the Commonwealth of Kentucky; a new Capitol had been built and more than a million dollars were on deposit in the banks to the credit of the State.

Prior to 1914 the debt of the State was a trifle over \$6,000.00. In 1931 when the previous administration took office the debt of the State was \$13,163,652.19. On December 10 when I assumed the office of Governor, just four years later, the debt of the State was \$24,841,769.17. On January 1 of this year the outstanding debt of the State amounted to \$25,232,913.33.

From this statement it is manifest to you that some drastic action had to be taken in order to immediately place the State in a position to reorganize its affairs, balance its budget and provide for the orderly retirement of the present debt of the State.

While the debt of the Commonwealth has gradually increased year by year and the interest charge which now

amounts to more than a million dollars a year has been a continual and growing burden to the taxpayers of Kentucky, no real solution of the debt problem has been attempted or reached.

TAX STRUCTURE

The tax structure of the State has grown up in patchwork fashion, and the tax laws of our Commonwealth have in many respects resulted in unfair and unjust tax burdens upon our people. This condition has brought about sincere concern upon the part of patriotic men and women all over the State. They have deplored the increased State debt; they have deplored the inequalities of the tax burden which they have been called upon to bear. They earnestly desire that attention be given to our State institutions, many of which are and have been for many years in a deplorable condition.

Failure of administration after administration to give careful attention to the many pressing problems of the Commonwealth and to devote its time to finding a way to solve them has resulted in confusion and in a loud public clamor that the State reorganize its government, pay its debt and place the State's affairs on a sound, sensible and economical basis.

In 1931 both parties in their platform pledged to give the State a comprehensive audit of its affairs and a thorough reorganization of its government.

In 1932 the Governor of the State asked the General Assembly to appropriate \$150,000 for this audit. The General Assembly appropriated the money; \$30,000 was spent and the report obtained was thrown in the waste basket, and the State continued with patchwork government.

The previous administration added to the distress of the people a retail sales tax, which was and is a tax on the consumer, stifled buying, put taxes on the necessities of life and placed the burden of taxation on the citizens of our State

who can least afford to pay it at a time when they were least able to pay it.

Notwithstanding the tremendous amount of revenue obtained from the collection of the retail sales tax, the additional money obtained from this source was spent and the State continued to go deeper and deeper in debt.

I recommend that the retail sales tax be immediately repealed, that an emergency clause be attached to the bill and that it cease to be a burden upon the people as soon as the bill has been passed and approved by the Governor.

REORGANIZATION OF GOVERNMENT

In accordance with the express promise made to the people of the State in the year just past, I am pledged to recommend to the Legislature such measures as will, in my judgment, as speedily as possible reorganize the State government from top to bottom, eliminate waste, graft and extravagance and place the State in a position to live within its income.

With that in mind, I have appointed a reorganization commission to assist in this most important work. The commission is composed of representative men of the Commonwealth who have achieved distinction within the State and who have demonstrated by careful management of their own affairs that they are qualified to help solve the problems of government. This commission will not assume legislative authority; it will not undertake to dictate to the Legislature; it is no super-government; it is merely a group of our fellow citizens sincerely interested in the welfare of the State; who are ready to serve without pay, to devote their time and energy to assist the Legislature in working out its pressing problems.

This commission is headed by former Governor J. C. W. Beckham, a man in whom all of the citizens of our State have abundant confidence and who has demonstrated in the past

by his own record as Governor that he knows the State's affairs and can contribute much to the solution of its problems.

With this general picture before you I now make the following specific recommendations:

I desire that the Legislature make available a sufficient amount of money to have made in Kentucky immediately a comprehensive audit and survey. In making this request I do so for the reason that it is apparent to me that unless we have accurate knowledge of every board, bureau and commission of the State we will not be able to effectively reorganize the State government.

The responsibility for the present condition of the State's affairs does not rest upon the present Legislature or the Governor, but the responsibility for correcting this condition is ours and we must assume it. These conditions can not be corrected until the facts concerning them are revealed or until the resources for correcting them are available.

Action at this session of the Legislature should be based on facts. The people of the State are demanding and have the right to expect that insofar as is possible the Legislature this year will not experiment as administration after administration has experimented with the pressing problems of the Commonwealth, but that it will seek to know facts concerning the conditions of the State, and when apprised of the facts they will follow the course which the facts and circumstances warrant and justify.

I recommend that the Legislature make available the unexpended portion of the appropriation made by the Legislature in 1932, which is \$120,000. So much of this money as is necessary will be used to obtain a comprehensive audit and survey of the facts and conditions of the State's affairs. The money will be spent carefully and economically, and any unexpended portion will revert to the General Fund of the Commonwealth.

I do not have time upon this occasion to discuss with you

the work of all of the boards, bureaus and commissions of the State, but I refer the members of the Legislature to the reports of these departments which are required to be made by law at the close of each biennial period.

SINGLE PRIMARY

During the year just past the people of the State have been much agitated over their right to vote in free and open primary elections.

In a proclamation calling the legislature into extraordinary session, while acting as Governor of the Commonwealth in February, 1935, I expressly stated that the right of the people to vote in free and open primary was, in my judgment, a fundamental one that should not be denied them.

The Legislature in response to that proclamation assembled and passed a double-barrel or run-off primary law.

Definite pledges were made to the people of the State that the incoming administration would recommend that the Legislature restore to them an old-fashioned single-barrel, one-way primary law with which to settle their political differences and make their choices for public offices.

In obedience to that pledge I now urge you to pass immediately a single-primary law which will give to the people of the State in the future the right to exercise their right of suffrage in free and open primary elections.

FREIGHT RATE CASE

During the incumbency of Honorable James W. Cammack, Sr., as Attorney General of the State of Kentucky, the Attorney General's department instituted a suit to have revised the rates affecting shippers in the Commonwealth of Kentucky.

That case was successfully prosecuted, and recently under a decision of the Interstate Commerce Commission shippers of the State have been saved as a result of this suit nearly a million dollars annually.

I desire that the Legislature make available such an appropriation for the continuance of this suit as will protect the advantage which has accrued to the people of Kentucky because of the successful prosecution of this suit.

A little later during the session I will have more to say with reference to this matter.

COUNTY ROADS

Many of the counties of Kentucky are unable to maintain their local county roads because of lack of funds, machinery and trained men for this kind of work.

Realizing the present condition of the finances of the counties of the State and in an effort to save money for them and at the same time maintain adequately the county roads of the State, I now recommend that the Legislature pass a law which will authorize the State Highway Commission to take over all of the county roads in Kentucky for state maintenance.

This will save the counties of the State approximately \$4,000,000, which is the amount annually expended by the counties for the upkeep of their local county roads, and in addition will result in greatly improved county systems of roads all over Kentucky.

The taking over of the county roads by the State will necessarily entail added expense to the State. With this in mind I have obtained the approval of the labor leaders of our State to use in maintaining the public roads of Kentucky convict labor. Many of the states use convict labor and have found it eminently satisfactory in addition to improving greatly their road systems.

I therefore urge the Legislature to enact into law a bill which will permit the use of convict labor on public roads and the use of convict labor to assist in the rehabilitation of the state penal, charitable and eleemosynary institutions.

REDUCTION OF STATE TAX ON REAL ESTATE

The state tax on real estate is at present five cents on each one hundred dollars. It costs the State approximately eight cents per hundred dollars to collect this five cents accruing to the State. This results in waste.

I recommend that the Legislature pass a law reducing the tax on real estate for State purposes from five cents to one cent per hundred dollars; that they return to the counties the right to make assessments on real estate; that they take from the State Tax Commission the present right which they have to give blanket raises upon the counties when additional revenue is needed.

Under this law the counties should be required to collect the one cent due the State and pay the cost of collecting it and account to the State for the State's portion of the revenue derived from the one cent tax.

A great saving may be made under this law and the right of the counties to make their own assessments is what they desire and are entitled to have.

GASOLINE TAX

The gasoline tax should be reduced one cent. It is too high and the people are entitled to this relief. It is my judgment that it will result in little, if any, decrease in revenue obtained by the State.

COOPERATION OF THE FEDERAL GOVERNMENT IN SECURING
OLD AGE PENSIONS

By express mandate of our people the Legislature is obligated to immediately pass such laws as will enable the State of Kentucky to cooperate with President Roosevelt's social security program, and provide as speedily as possible for the people of our State to take advantage of the benefits accruing to the State through the Federal legislation and to make certain old age pensions and social security for our people.

I am sure that the Legislature will cooperate with the aims and purposes of the Federal Government in promoting the welfare of its citizens.

LABOR

I desire that the Legislature create a real labor department for Kentucky. The labor leaders in our State are sincerely anxious to cooperate with the present administration in helping to work out Kentucky's pressing problems. They desire to have a labor department in Kentucky that will help promote the interests of labor in this State and at the same time cooperate with industry to the end that capital and labor may live agreeably within the portals of our State.

SALE OF LIQUOR IN THE STATE

The Legislature should give attention to the enactment of a law that will effectively regulate and control the sale of intoxicating liquor in the State of Kentucky. It is to be sincerely hoped that the Legislature will pass the best law that can be obtained upon this subject for the protection of the citizens of our State.

GAME AND FISH COMMISSION

The Game and Fish Commission of Kentucky, in accordance with the wishes of the people who hunt and fish in our State, should be taken out of politics and restored to the hands of those people who are sincerely interested in fish, game and the protection of wild life in our State.

These people have prepared a law which should be given the attention of the Legislature, and a bill should be passed that will best preserve and protect the wild life within our State.

FIRE INSURANCE ON STATE PROPERTY

For many years the State has expended large sums annually for fire insurance on its buildings, furnishings and property.

I recommend to the Legislature that it pass a law patterned after the South Carolina or Wisconsin law permitting the State to carry its own insurance. Premiums paid by the State are more than \$100,000 a year and the losses have been inconsequential.

By the passage of this law a great amount of money can be saved the taxpayers of Kentucky.

ELECTION LAWS

Attention should be given by the Legislature to the election laws and they should be strengthened to prevent fraud in elections in our State.

I recommend to the Legislature that they enact a general statewide registration law, which will prevent election frauds in the State. All of the citizens of the State are interested in this matter.

PUBLIC WELFARE

The Legislature should give its attention to State penal, charitable and eleemosynary institutions. The Governor's Advisory Commission is making a survey of these institutions, and it will be glad to report its findings to the Legislature for the benefit of the members of the Legislature.

SCHOOLS

Kentucky has greatly improved its school system in the last few years. This Legislature should make certain that the public schools have as much as \$12.00 per capita for the payment of teachers' salaries and the operation of the schools of the State.

STATE PARKS

The State parks of Kentucky are an asset which all public-spirited citizens are desirous of protecting to the fullest extent.

The Legislature should cooperate with the Federal Government in its park program. We should make our parks attractive so that they may not only be enjoyed by the people of our State but may attract visitors from other States.

AGRICULTURE

Agriculture is the basic industry of Kentucky. In the main our agricultural conditions are improved. I recommend to the Legislature that they give attention and study to every phase of rural life and that they give serious attention to improving the economic life of the Kentucky farmer.

LOBBYISTS

For many years the General Assembly of Kentucky and the people of Kentucky have been pestered by subsidized lobbyists who have infested the Capitol during the session of the General Assembly, seeking to control the legislation presented to our lawmaking body for their consideration.

These lobbyists are a menace to good government. They are made up of representatives of divers interests who place their selfish interests before the interests of the people of the State.

The Legislature should make known to the people that no legitimate business will be mistreated and that in the matter of legislation all citizens of the State sincerely interested and anxious to protect their own business are welcome to be heard by the Legislature.

I recommend to the members of the Legislature that they give the paid lobbyist to understand that he is an unwelcome visitor to Frankfort during this session of the Legislature. If you drive the paid lobbyist from the Capitol, your actions will receive the general approval of the people.

GENERAL SUMMARY

When the sales tax is repealed the Legislature will be faced with the necessity of providing additional revenue in

order to maintain the State government. I do not desire at this time to suggest any tax proposals for the consideration of the Legislature.

It is my recommendation that the Legislature pursue the following course which in my judgment will result in our meeting and solving our problems successfully.

By cutting 8,500 from the State payrolls since December 10, by operating the business of the State with skeleton organizations, by requiring all boards and commissions to live within their allotments and under rigid economy, I have prepared the way for the reorganization of the State government.

The Legislature in my judgment should pass the following laws:

1. Authorize an appropriation for a comprehensive audit and survey of the State government and its affairs.
2. Authorize the Governor to request advisory opinions from the Court of Appeals of Kentucky with reference to pending legislation.
3. A law to enable the State to carry its own insurance.
4. Repeal of the sales tax effective immediately with an emergency clause.
5. Pass a compulsory primary law to give the people the right to vote in a single primary for all elective offices.
6. Authorize the State Highway Commission to take over the county roads for maintenance.
7. Authorize the use of convict labor in taking over the county roads and in rehabilitating the State penal, charitable and eleemosynary institutions.
8. Reduce the state tax on real estate from five cents to one cent and return the right to make assessments to the counties.
9. Reduce the tax on gasoline one cent.
10. Pass the liquor control act.
11. Pass model laws sponsored by hunters and fishermen in Kentucky.

12. Pass a state-wide registration law to prevent frauds in elections in the State.

13. Cooperation with the Federal Government in its program to secure old age pensions and greater measure of social security for our citizens.

The passage of these constructive measures should not require more than twenty days, and I am respectfully requesting that after the Legislature has considered during this time any other bills that the Legislature may itself be interested in or that any members may desire to have passed or discussed, that when you adjourn on January 31 that you may adjourn sine die.

In the meantime the work of the Governor's Advisory Commission will make as speedily as possible a report and, when the Legislature adjourns on January 31, I will immediately call you in extraordinary session for the purpose of reorganizing the State government. I shall call you later for the purpose of obtaining revenue to balance Kentucky's budget and to provide for the orderly retirement of the State debt.

It will be apparent to the gentlemen of the General Assembly that it is my earnest desire to reorganize the State government; prepare a sensible budget that will make adequate, fair and reasonable appropriations to public health, public schools and public institutions, and to raise any additional taxes after all economies are made that can be made and after all useless offices have been abolished. It is my desire to raise only the amount of money necessary to balance the budget and not a single cent for waste and extravagance.

If the Legislature will follow these recommendations, it is my belief that by the first of May it will have established in Kentucky a new order.

The job ahead is a difficult one and will need the cooperation and support of every member of the Legislature and every loyal Kentuckian. It is a challenge to the patriotic men and women of Kentucky who have longed for the time when

intrenched privilege and greed would be driven from the State Capitol and when Government could and would be restored to the hands of the people, and when it could effectively organize its functions so that it would promote the general welfare of all the people of our State.

The job we have before us is of much more importance than any single job that we have to give. In the past the halls of the Legislature have been made a place of barter and exchange. I deplore the fact that in the past members of the Legislature have been asked to take jobs with the State in return for their vote cast for a piece of pending legislation.

I am in full sympathy with you as you enter upon the discharge of your duties. In recent years I have had the honor, privilege and pleasure to serve in the Legislature with many of you who are present today. I know of your sincere desire to perform real public service, and I challenge you today to join with me in working out for our State a program of progress that will be for the improvement of all of the good people of our State and that will merit for us their respect and esteem. There will be enough honor to be distributed among all of us if the job is well done.

Kentucky faces a new day. The Commonwealth is 144 years old. It has chosen as its leader for the next four years a young man who is sincerely anxious to serve honestly and faithfully his State. You have in the position of Lieutenant Governor a young man; the Speaker of the House is a young man; many of the legislators are young men. I appeal to the young men of the Legislature to join with the older men of the Legislature and make this session from the standpoint of public good the greatest session that has ever been held in Kentucky's history. If we fail, we fail not for four years but for life and the State will suffer four more years of bad government. If we succeed, the approval of a grateful people will be a fitting reward for all of us.

I shall be available to every member of the Legislature

sincerely interested in the welfare of the State and shall be anxious to assist him in making a good record as a member of the Legislature.

I call upon you to banish from your hearts all feeling of partisanship, factionalism and dissention, and I call upon you to join with me in preparing constructive measures for the benefit of all of the people of our State.

From time to time I shall appear before you with supplemental messages for your consideration.

I have every confidence in this Legislature, and I believe that you will tackle the problems that confront us. I believe that you have the courage, intelligence and patriotism to do the job correctly.

Kentucky stands at the crossroads. Opportunity knocks at our door. I challenge the members of the 1936 Kentucky Legislature to open the door and permit opportunity to come in.

God bless all of you in your labors. May He keep your loved ones at home from all harm and distress, and may He give you daily strength to perform in the fullest measure your best service for the benefit of your fellow Kentuckians.

Senator Gilbert moved that this Joint Session do now dissolve.

Said motion was agreed to.

The Speaker resumed the chair and called the House to order.

Dr. Shields moved that the House do now recess for thirty minutes.

Said motion was agreed to.

And then the House recessed,

The hour of seven o'clock P. M. having arrived the Speaker resumed the Chair and called the House to order.

Dr. Shields of the Special Committee heretofore appointed by the Speaker to draft and submit to the House for approval, Rules governing the House of Representatives during the session of 1936, offered the following Rules of the House, viz.:

RULES OF HOUSE AND COMMITTEE, 1936.

Quorum of the House

Rule 1. Five members of the House shall constitute a quorum for the purpose of adjourning; fifteen members for the purpose of calling a House, of sending for absent members and of making an order for their censure and fine; a majority of the members may proceed to business, and the numbers mentioned in this rule shall have power in the absence of the Speaker, to elect a Speaker pro Tem. for the purposes above designated.

Hours of Meeting and Adjournment.

Rule 2. The standing hour of meeting each day shall be 10 o'clock a. m., standard time, and the standing hour of adjournment shall be 3 o'clock p. m., except on Monday, when the hour of meeting shall be 1 o'clock p. m., and the hour of adjournment 3 p. m. Provided, however, that a majority of the House may elect to hold extra session at any time and extend the sitting of any session to any time within their discretion. The hour of meeting and adjournment of the body shall be governed by the House clock over the main entrance.

The Powers and Duties of the Speaker.

Rule 3. The Speaker shall take the chair every day at the hour to which the House adjourned on the preceding day; he shall immediately call the members to order, and a quorum

being present, shall cause the Journal of the preceding day to be read.

Rule 4. He shall preserve decorum and order, and, in case of disturbance or disorderly conduct in the gallery or lobbies, may cause the same to be cleared. He shall have general control, except as provided by rule of law, of the hall of the House and of the corridors and passages, and of all rooms in that part of the Capitol assigned to the use of the House. He may speak to points of order in preference to other members, rising from the chair for that purpose. He shall decide questions of order subject to an appeal to the House on request of any two members, and the members appealing shall reduce the appeal to writing.

The Speaker shall have supervision over all officers and employees of the House; and shall direct them as to their duties, and upon failure of any such official to perform said duties, the Speaker shall have power to order deductions from the pay of such offender, not to exceed the per diem of such official or employee for each offense. Such amount shall be entered upon the Journal and deducted from the compensation due such offender.

Rule 5. The standing committees of the House, herein named, and all other committees, shall be appointed by the Speaker.

Rule 6. The Speaker may state questions sitting, but shall rise to put a question.

Rule 7. Questions shall be distinctly put in this form, viz.: "Gentlemen, you who are of the opinion that (as the question may be) say 'Aye', you of the contrary say 'Nay'".

Rule 8. If the Speaker be in doubt as to the result of a vote, and a division be called for, the House shall divide; those in the affirmative of the question shall rise from their seats, and afterwards, those in the negative. If the Speaker be still in doubt and a count be requested, the Speaker shall name two members, one from each side, who with the Clerk

shall count those in the affirmative and the negative; which being reported, he shall rise and state the decision of the House; provided, however, that such decision or count shall not be allowed after the House shall have proceeded to other business.

Rule 9. The Speaker shall have the right to name any member to perform the duties of the chair, but such Speaker pro Tem. shall not be empowered to act beyond a period of five days.

Rule 10. No person shall be permitted upon the floor of the House except the Governor, his Secretary, any member of the immediate family of members or officers of the House, and members and officers of the Senate, and such newspaper correspondents as may be authorized by the Speaker of the House. Provided that any one person may be extended the privilege of the floor upon invitation previously extended such person by a majority vote of the members of the House taken by roll call, but such privilege shall be extended for a specified day and no other; and, provided further that the Speaker shall have the power to limit the number of such motions for such invitations whenever in his judgment the business of the House so requires.

Newspaper correspondents admitted to the floor of the House under this rule, shall be assigned by the Speaker to a press section specifically set aside by order of the Speaker for the press; and no newspaper correspondent shall leave such section to go upon the main floor to confer with any member of the House while the House is in session.

No person who shall have been extended the privilege of the floor for a specified time, as herein provided, shall engage in any activities for or against any bill, motion, or other proceeding upon the floor of the House while in session. It shall be the duty of the Doorkeeper of the House to exclude all persons not entitled to the floor of the House Chamber. If, how-

ever, other persons find their way to floor it shall be the duty of the Sergeant-at-Arms to remove them.

At least five minutes before the hour of convening each day the Sergeant-at-Arms shall clear the floor of the House Chamber of all persons not entitled to the floor, and shall announce in a loud and distinct voice, "All persons not entitled to the floor of the House under the rules thereof will now vacate the House Chamber." He shall then compel each and every person then in the House Chamber, who is not entitled to remain therein, to vacate.

No person shall engage in lobbying for or against any measure while the House is in session, in any of the corridors or passages or in any of the rooms in that part of the Capitol assigned to the use of the House and no registered lobbyist shall enter into any of the rooms assigned to the use of the House while the House is in session, or remain in the corridors or passages on the third floor of the Capitol assigned to the use of the House. Provided, however this rule shall not be construed to prohibit the use of the corridors or passages in going to and from the House galleries by any person.

Rule 11. When a member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address the Speaker of the House as "Mr. Speaker", but shall not proceed until recognized by the Speaker as the member from _____.

Rule 12. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may through the Speaker, call the offender to order; and the member called to order shall immediately sit down unless permitted to explain, and the House, if appealed to, shall decide on the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if against him, and the case require it, he shall be liable to the censure of the House.

Rule 13. When two or more members rise at once, the Speaker shall name the member who is first to speak.

Rule 14. No member shall speak more than twice on the same question without leave of the House, and he shall not speak more than once until every member of the House desiring to speak has spoken. No member shall be allowed to speak more than one-half hour in the aggregate.

Rule 15. While the Speaker is putting any question, or addressing the House, no one shall walk about the House, or leave; neither, in such case nor when a member is speaking, shall anyone talk or pass between the chair and the member who is speaking.

Rule 16. No member shall in debate name another member.

Undebatable Motions.

Rule 17. Motions to proceed or dispense with the orders of the day, to dispense with any rule of the House, or take up business out of its regular order, to commit or recommit, except with instruction, shall be propounded without debate.

Rule 18. No explanation of any vote shall be permitted pending the call of the yeas and nays on an undebatable motion.

Withdrawal of Motions.

Rule 19. After a motion is stated by the Speaker or read by the Clerk, it shall be deemed in the possession of the House, but may be withdrawn by the consent of the House at any time before decision or amendment.

Rule 20. After a motion is made and seconded, it shall be stated by the Speaker, or, being in writing shall be handed to the chair and read aloud by the Clerk before debate.

Rule 21. Every motion shall be reduced to writing if the Speaker or any member desire it.

Order of Motion in Debate.

Rule 22. When a question is under debate, no motion shall be received, but

1. To fix the time to which the House shall adjourn.
2. Adjourn.
3. To lay on the table.
4. For the previous question.
5. To postpone to a day certain.
6. To commit.
7. To amend.
8. To lay on the Clerk's desk.

Which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, or to commit being decided shall again be allowed on the same day and at the same stage of the bill or proposition.

Rule 23. The motion to lay on the table shall in all respects have the same effect in this House as in the House of Representatives of the Congress of the United States, except as otherwise provided in these rules.

Rule 24. The motion to lay on the Clerk's desk in this House shall have the effect of laying aside the pending question temporarily and when the pending question is laid upon the Clerk's desk it may be taken therefrom at the will of the house, and considered as an original proposition.

Motion to Adjourn

Rule 25. A motion to adjourn shall always be in order except during roll call or pending a motion to fix the time to which the House shall adjourn, and shall be decided without debate.

Previous Question

Rule 26. The previous question being moved and seconded, the question from the chair shall be "Shall the main

question be now put?" If the majority of all the members elected to the House vote in the negative the main question shall not then be put, but a majority of all the members may order the previous question at any time. The effect of the previous question shall be to bring the House to a direct vote on amendments proposed by the Committee, if any; then on such amendments as are provided for in Rule 40; and then upon the main question. The ordering of the previous question shall put an end to all debate except as follows: Before the vote on an amendment, the proposer of the amendment shall have five minutes, and then the proposer of the measure sought to be amended shall have five minutes and before the vote upon the main question, the opponents of the measure shall have ten minutes and then the proposer of the measure shall have ten minutes to close the debate. When a measure or an amendment has been proposed by a committee, then the time given to the proposer shall be at the disposal of the chairman of the committee.

Division on Questions.

Rule 27. Any member may call for a division on the question when the same will admit.

Commitment of Motions

Rule 28. Motions and reports may be committed at the pleasure of the House. (See Rule 17, ante)

Amendments.

Rule 29. No motions or propositions on a subject different from that under consideration shall be admitted under color of amendment.

Elections.

Rule 30. In all cases of elections there shall be a previous nomination before the House,

Petitions, Memorials, Etc.

Rule 31. Petitions, memorials and other papers addressed to the House may be presented by any member in his place; and in such case he shall briefly state the contents of said petitions, memorials or other papers which may be received, read and referred on the same day, by agreement of the House.

Calls of Yeas and Nays.

Rule 32. Upon a call of the yeas and nays on any question, the names of the members shall be called alphabetically, which shall be made at any time when a division or a count may be had, and upon the completion of any roll call the Speaker shall, upon the request of any member, order the Clerk to call the absentees once.

Call of the House.

Rule 33. On a call of the House, the door shall not be shut against a member until his name is called twice and then absentees shall be noted by the Clerk and fined one dollar, unless excused by the House.

Voting.

Rule 34. No member shall vote on any question in which he is directly or indirectly interested, or on any question unless he was in the bar of the House before the result was announced.

Rule 35. Every member in the House, when a question is put or who is present before the results are announced, shall vote unless excused by the House; and all motions to excuse a member from voting shall be made before the House divides or before the call of the yeas and nays is commenced; and the motion or question to excuse a member shall be decided without debate, and in no event shall any member be excused from voting on a motion to excuse another member

from voting. But this rule shall not apply to the Speaker, whose name shall not be called except upon his own request and then only at the end of the roll call and before the result is announced, but in all cases of a tie the Speaker shall vote.

Rule 36. Before a vote shall be counted the member casting it shall be either at his seat or visibly approaching it.

Order of Business

Rule 37. The order of business each day shall be as follows:

1. Invocation.
2. Roll call.
3. Reading of Journal of preceding day and correction of any errors that may be found to exist therein.
4. Petitions.
5. Motions and resolutions which shall not include joint resolutions, limited to one-half hour.
6. Introduction of bills.
7. Reports of special and standing committee in the order as contained in Rule 45.
8. The Orders of the Day which shall be called at twelve o'clock each day.
9. Any business which did not belong to the Orders of the Day and which remains unfinished upon the adjournment of the House or upon the call of the standing order of the day, shall be the first business in order each day, upon the convening of the House. Any business which belongs to the standing orders of the day, which remains unfinished upon the adjournment of the House shall be the first business when the orders of the day are resumed.

Rule 38. The word "Bill" wherever and wherever used in these rules shall include joint resolutions,

Introduction of Bills and Responds Thereon.

Rule 39. Subdivision 1. On each day after the fifth order above named in Rule 37, there shall be a call of the counties and representative districts for the introduction of bills and joint resolutions, which shall be privileged and take precedence of all other business of the House; provided that the Orders of the Day be called for precisely at twelve o'clock on each day; and, provided further that upon the call for the presentation of bills in the event that every county shall not have been called on the previous day, the Clerk shall, on the next day, commence the call where he left off at last call.

On the call of each county and representative district the member from said county shall rise from his seat and addressing the chair send to the Clerk's desk a bill or bills or joint resolution which he wishes to introduce, with the title thereof indorsed thereon in a plain and legible hand, provided which bill or joint resolution shall be read by its title, and the Speaker shall order the same to be printed, and not later than the next day in which the House is in session refer the same to its appropriate committee for consideration and report. All bills shall be printed and distributed in the order in which they are introduced, and copies of the same shall be printed for the use of the members of the Senate and House in the numbers which the Clerk shall direct.

Subdivision 2. Upon the report of a bill or joint resolution by any committee, the Clerk shall report the same in full, which shall be considered the first reading of the bill or joint resolution, and shall be so entered upon the Journal.

Register of Bills.

Subdivision 3. The clerk shall keep a register of all bills introduced in the House or transmitted for concurrence from the Senate in which shall be recorded, under appropriate heads, the progress of such bills from the date of their

introduction to the time of their transmission, if House bills, to the Governor, or if Senate bills, their return to the Senate.

Subdivision 4. When a bill has had its first reading, it shall be placed by the Clerk on a calendar to be kept by him, and said calendar shall be separate from the bills in the Orders of the Day. Each day when the House enters into the consideration of the Orders of the Day, the Clerk shall take up the Calendar and give all bills therein their second reading except such as have been placed thereupon that day.

Amendments.

Rule 40. More than one amendment to any part or section of any proposition or bill shall not be offered at the same time or entertained by the Speaker.

Each amendment originally pending shall be disposed of before another may be entertained to the same or any other part or section of the main proposition or bill.

All committee amendments shall be disposed of before any other amendment may be offered by a member or entertained by the Speaker. Provided, however, that whenever and whenever blanks are to be filled, the rule above shall yield to general parliamentary law, and provided further, that when a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, but said substitute shall not be voted on until the original matter is perfected.

All committee Substitutes shall be printed in like manner as bills and all other substitutes shall be disposed of at the will of the House.

Orders of the Day.

Rule 41. When a bill has been read a second time, it shall be placed in the Orders of the Day or recommitted and when next reached in the House, it shall be ready for amendment, recommitment or debate, or to be read a third time and

placed upon its passage. A bill may be recommitted at any time before the passage.

Duties of Committees.

Rule 42. When a bill shall have been referred to any Committee, it shall be the duty of the chairman of such committee to submit the bill to the consideration of his committee and such committee shall make such amendments to said bill as it may deem proper and report said bill to the House with such amendments. A majority of the members of a committee shall be present before a bill may be considered. No bill shall be considered or a report of same determined upon, except when a committee is in session. A committee in reporting a bill to the House shall make its report in writing, and such a report shall be signed by a majority of such committee, but after said majority report has been made the minority may make its report, which shall also be in writing, and signed by the members of the committee making such report. Bills shall not be engrossed except by order of the House, and the style of every bill shall be: "Be it enacted by the General Assembly of the Commonwealth of Kentucky," provided, however, that no committee shall hold or refuse to report a bill for an unreasonable time, and if same shall not be reported in a reasonable time, the said bill may be called up by any member of the House and be considered in the same manner it would have been considered without expression of such committee. The House shall, at all times, be the judge of what shall constitute a reasonable or unreasonable length of time under this provision.

Duty of Clerk.

Rule 43. When a bill is passed it shall be certified by the Clerk, who at the foot thereof, shall note the day on which it passed.

Suspension of the Rules

Rule 44. The standing rules of the House and the regular order of business shall not be suspended, amended or interrupted unless by a vote of a majority of the members elected.

Standing Committees.

Rule 45. The following shall be and constitute the standing committees of the House of Representatives, and each committee shall be composed of not less than five nor more than nine members, except the Veterans Legislation Committee, which shall be composed of all veterans who have served in the United States Army or Navy, and except the Committee on Rules, which shall consist of not less than eighteen nor more than twenty-seven members, besides the Speaker:

- Agriculture No. 1.
- Agriculture No. 2.
- Alcoholic Liquor Control.
- Appropriation No. 1.
- Appropriation No. 2.
- Banks and Banking.
- Bond Issues.
- Charities and Penal Institutions.
- Circuit Courts.
- Cities of the 1st Class.
- Cities of the 2nd Class.
- Cities of the 3rd Class.
- Cities of the 4th Class.
- Cities of the 5th and 6th Classes.
- Claims.
- Classification of Cities and Towns.
- Codes of Practice.
- Compensation for Industrial Injuries.
- Constitutional Amendments.

Corporate Institutions.
County and City Courts.
Court of Appeals.
Criminal Law.
Education No. 1.
Education No. 2.
Enrollment.
Executive Affairs.
Federal Relations.
Fish and Game.
Immigration and Labor.
Insurance, Fire and Marine.
Insurance, Life and Casualty.
Interurban and City Railways.
Judiciary.
Juvenile Courts and Children's Homes.
Judicial Council.
Kentucky Statutes No. 1.
Kentucky Statutes No. 2.
Library and Historical Records.
Military Affairs.
Mines and Mining.
Motor Transportation.
Municipalities.
Oil and Minerals.
Printing.
Public Bridges and Ferries.
Public Ditches.
Public Health No. 1.
Public Health No. 2.
Public Utilities.
Railroads.
Redistricting Congressional.
Redistricting Judicial.
Redistricting Legislative.

Retrenchment and Reform.
Revenue and Taxation No. 1.
Revenue and Taxation No. 2.
Roads and Highways No. 1.
Roads and Highways No. 2.
Rules.
State Fair.
State and National Parks.
State Properties.
State University.
State Affairs.
Suffrage and Elections.
Teachers Colleges.
Trade and Commerce.
Veterans Legislation.
Ways and Means.

And it shall not be competent for the House by vote or otherwise, to add anyone to the membership of either of said committees; but a vacancy from any cause may be filled by the Speaker.

Rule 46. The Committee on Enrollment may report any time when not excluded by a privileged motion; provided, that when any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further until other committees are called. And provided, also, that no bill shall be reported by any committee which was introduced after said committee began its report.

Committee of Whole House.

Rule 47. It shall be the standing order of the day throughout the session of the House to resolve itself into a committee of the whole House on the state of the Commonwealth.

Rule 48. When a bill or other matter is committed to a

committee of the whole House the question of going into the committee of the whole shall be first in the order of the day.

Rule 49. In committee of the whole House, bills shall be read and debated by sections, leaving the preamble and title to be last considered.

Rule 50. All amendments made to an original House bill or resolution in committee of the whole House shall be incorporated in the original and so reported.

Rule 51. All questions, whether in the committee or in the House, shall be disposed of in the order in which they are moved, except that in filling blanks the smallest sum and the most remote day shall be put first.

Rule 52. The rule of the House shall be observed in committee when applicable, except the rule limiting the time of speaking.

Fines.

Rule 53. All fines imposed on absentees shall be collected by the Sergeant-at-Arms and covered into the Treasury.

Clerk's Duty.

Rule 54. The Clerk or Assistant Clerk shall report all bills or resolutions to the Senate unless otherwise ordered by the House.

Rule 55. No member or other person shall remain by the Clerk's desk when the yeas and nays are being called.

Rule 56. All bills and joint resolutions originating in the Senate and reported to this House as passed therein, shall be read by their titles, and referred by the Speaker as provided by Rule 39.

Duties of the Enrolling Clerk.

Rule 57. The Enrolling Clerk of the House shall each day call upon the Clerk and when not engaged in enrolling

bills, shall perform such duties as he may direct, take charge of all House bills as soon as they are reported back to the House and ready to be enrolled; keep an accurate account of and carefully preserve all of them; cause them without delay to be plainly and legibly enrolled without blots, erasures or interlineations, and present the same when enrolled to the Committee on Enrollments, who shall immediately report them to the House for comparison, and the signature of the Speaker; and when signed by the Speaker of the House, the Enrolling Clerk shall deliver them at once to the Senate or such committees as may be authorized to receive them in that body. All original House bills shall be returned by the Enrolling Clerk to the Clerk of the House at the time of the signing of the enrolled bills and the Clerk of the House shall carefully preserve them.

Doorkeepers and Sergeant-at-Arms.

Rule 58. The Chief Clerk or his Assistant, the Doorkeeper, and Sergeant-at-Arms, and all employes under them shall be in the House thirty minutes before the hour for the House to convene; and five minutes before the hour of the meeting of the House each day the Doorkeeper and Sergeant-at-Arms shall see that the floor of the House is cleared of all persons, except those privileged to remain. (See Rule 10.) And the Sergeant-at-Arms is empowered to deputize as many assistant Sergeant-at-Arms as he may deem necessary to carry out the order of the Speaker under Rule 4 of these rules.

Motion to Reconsider.

Rule 59. A motion to reconsider any action of the House shall be in order if made in open session for a period of three days, Sundays included, from the time said vote was taken; but such motion shall not be in order after action has been had by the House in consequence of the decision proposed to

be reconsidered, or after it has been sent to the Senate or Governor.

General Provisions.

Rule 60. On all questions not provided for in the foregoing rules, the House shall be governed by parliamentary law or usage; provided, the author of any measure shall have five minutes' time in which to explain upon a motion to lay on the table.

Rule 61. Whenever any committee shall report to the House a bill with the expression of opinion that it should not pass, said bill shall not be entitled to a reading unless it is ordered by the vote of a majority of all the members of the House; and upon the question whether or not said bill shall be read, the report of the committee to the contrary notwithstanding, no debate shall be allowed except that the originator of a bill or anyone indicated by him, shall have ten minutes in which to explain the bill; and any member of the committee who favors the report of the committee may have a like time in which to explain the action of the committee, and then if said bill shall be ordered to a reading, it shall be read the first time in full and recommitted or placed in the calendar.

Rule 62. No bill shall be considered by the House during the last fifteen legislative days of the 1936 Regular Session except upon the recommendation or report of the Rules Committee previously obtained, nor shall the House consider any bill originating in the Senate during the last fifteen legislative days of the 1936 Regular Session of that body, except upon the recommendation or report of the Rules Committee of the House previously obtained.

The Rules Committee of the House will take charge of and control all bills and resolutions to be considered by the House during the last fifteen legislative days of the 1936 Regular Session and will determine what bills or resolutions shall be considered during that time, and the order in which they shall be taken up and considered. During the times next

hereinabove provided, the Rules Committee shall be authorized to call from the other committees any bill or resolution in their hands and may have them advanced to the reading to which the bills may be entitled; providing, however, that for the first ten days thereof, the said committee shall cause to be posted on the day prior thereto, a list of bills and resolutions which are to be called, but said committee may withdraw from said list any bills or resolutions so posted.

If and when the time be fixed for the sine die adjournment of the 1936 regular session of the General Assembly, the "last fifteen legislative days" as hereinabove provided shall be held and construed to mean the last fifteen legislative days next prior to the time so fixed for the sine die adjournment. If the resolution be adopted for sine die adjournment within fifteen days of the time fixed for such adjournment, then the Rules Committee shall take charge for such lesser number of days as may remain from the time such resolution for sine die adjournment is adopted and the time fixed for such adjournment.

Rule 63. If any bill, motion or resolution has been, by vote, carried or lost, and a motion is made to reconsider the vote by which the bill, motion or resolution was carried or lost, and said motion to reconsider is laid upon the table, then no further motion shall be entertained relative to the subject matter carried by said bill, motion or resolution, unless by the unanimous consent of the House.

Rule 64. All pairs announced in the House shall be entered on the Journal.

Rule 65. When the roll is being called on any proposition and the hour of adjournment arrives, the time for adjournment shall be extended until said roll has been completed and the result announced.

Rule 66. The rules of the House, after their adoption, shall not be altered, changed or amended, unless a majority of all the members of the House vote in favor thereof. Pro-

vided, however, that the rules may be suspended, subject to the limitations next hereinafter provided, by a vote of the majority of all of the members of the House. Whenever the rules are suspended as above, no measure shall be considered under the suspension except the measure or measures in whose favor the suspension was invoked, and only for that day. Any proposed alteration, change or amendment of the rules shall, before a vote thereon is taken, be referred to the Committee on Rules, or to some other committee, in the discretion of the Speaker, without debate, and the Committee shall report thereon within two days thereafter. Except as hereinabove provided in this rule, in all cases where general parliamentary law provided for the rule of two thirds it shall mean in this House a majority of all of the members of the House.

Rule 67. If a joint resolution fixing the time for a sine die adjournment of the House and Senate be adopted, such resolution may not be amended, vacated, set aside or reconsidered, except by a constitutional majority of the members of the House.

Rule 68. The Clerk of the House shall cause to be printed or mimeographed each day's journal of the proceedings of the House and cause to be placed on the desk of each member one copy thereof when the House convenes on the following day. Bills, resolutions, reports, activities, etc., may be identified by number or otherwise without being copied at length in the discretion of the Clerk.

Rule 69. Five hundred copies of these rules shall be printed immediately for the use of the General Assembly.

Dr. Shields moved that the Rules be adopted as a whole.

Said motion was agreed to.

The Speaker announced the following Standing Committee of the House.

Committee on Kentucky Statutes No. 1:

George Dunlap, Chairman

B. F. Shields

Stanley Dickson

Wallace Brown

Joe Robinson

J. A. Coleman

Thomas P. Fitzpatrick

Rodes K. Myers

Dr. Shields moved that the Rules of this House be suspended for the purpose of introducing bills.

Said motion was agreed to.

Thereupon the following bills were introduced and ordered printed, viz.:

By Dr. Shields:

H. B. 1. An Act relating to primary elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each and every political party, except as hereinafter provided, shall nominate all of its candidates for elective offices to be voted for in the general elections in a pri-

mary election to be held at the time and in the manner provided by law. No governing authority of any political party shall have the power to nominate any candidate for any elective office in this Commonwealth or to provide any other means or method of nominating candidates for any elective office other than by primary elections as provided in this Act.

§ 2. Any qualified elector who is a member of a political party within the meaning of this Act, and who has affiliated with and supported all the nominees of the party at whose hands he seeks the nomination, shall have his name printed on the official ballot of his party for an office to which he is eligible in any primary election held under the provisions of this Act and/or the provisions of the general primary election laws of this State upon filing with the proper officer at the proper time a notification and declaration and in the manner and form now prescribed by law. The Secretary of State shall have no power or authority to print or cause or permit to be printed upon the ballots for any general election the name or names of any candidate or candidates as the nominee or nominees of any political party or parties, as the term "political party" is defined in Section 1550-5, Carroll's Kentucky Statutes, 1930 Edition, or the name or names of any candidate or candidates under the emblem of any political party or parties for any of the offices hereinabove referred to, except the names of such candidates as shall have been duly and regularly nominated at a primary election held as provided in this Act.

§ 3. Nothing in this Act shall be construed to prevent any political organization or party, not constituting a political party within the definition embraced in Section 1550-5, Kentucky Statutes, Carroll's 1930 Edition, from making their nominations for any of the offices mentioned in this Act as they are now permitted by law to make same.

§ 4. Hereafter all candidates for elective offices to be voted for at any general election shall be nominated by a

primary held in accordance with the provisions of this Act. Provided that if a vacancy occurs after any such nomination, by death or otherwise, the governing authority of such party may provide for filling such vacancy or vacancies and the making of such nominations, and when such nominations have been so made the certificates of nomination shall be signed by the chairman and secretary of the governing authority of the party making same and shall be filed in the same manner as certificates of nomination at a primary election. The provisions of this act shall not apply to candidates for trustees of common schools or members of school boards nor to trustees in towns of the fifth and sixth classes nor to candidates for presidential electors, but such candidates for such offices shall be nominated and have their nominations certified as now, or may be hereafter provided by law.

§ 5. In any primary election the candidate receiving the highest number of votes for the particular office for which he is a candidate shall be the nominee of his party for that office and shall receive the certificate of nomination.

§ 6. All acts and parts of acts in conflict herewith, to the extent of such conflict, hereby are repealed. Chapter 1 of the Acts of the Extraordinary Session of the General Assembly of Kentucky of 1935, being Sections 1549a-2 to 1550-1b, Kentucky Statutes, Baldwin's 1935 Kentucky Statutes Service, hereby is expressly repealed.

By Mr. Evans:

H. B. 2. An Act repealing Chapter 25 of the Extraordinary Session of the General Assembly of 1934 known as the "Gross Receipts Tax Law of 1934", and declaring an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 25 of the Acts of the Extraordinary Session of the General Assembly of 1934, known as the "Gross Receipts Tax Law of 1934", be and the same hereby is repealed. Provided, however, that the enforcement provisions of said law shall remain in full force and effect as to all taxes which may have become payable under said Act, and which have not been paid into the State Treasury, at the time of the effective date of this Act.

§ 2. Whereas the people of Kentucky have expressed themselves as predominately in favor of the repeal of the aforesaid "Gross Receipts Act of 1934"; and, whereas said tax constitutes an unfair and unreasonable burden on certain classes of tax payers, an emergency hereby is declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

By Mr. Ward:

H. B. 3. An Act to amend and re-enact the Title and Section 1 of an Act of the General Assembly which was adopted at its regular session in 1932, and entitled "An Act enabling cities of the third class to acquire, construct, operate and maintain electric light, heat and power plants and to issue revenue bonds of such cities to pay the cost thereof, payable solely from the revenues of such works without the incurrence of indebtedness of said cities" so as to extend the provisions thereof to cities of the second, fourth, fifth and sixth classes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Title and Section 1 of an Act of the General Assembly of the Commonwealth of Kentucky, and being Chapter 119 of the Acts of the General Assembly for the year 1932, be amended, extended and re-enacted, so that said title

of said Act and said Section 1, thereof as so amended, extended and re-enacted will read as follows:

“An Act enabling cities of the second, third, fourth, fifth and sixth classes to acquire, construct, operate and maintain electric light, heat and power plants and to issue revenue bonds of such cities to pay the cost thereof, payable solely from the revenues of such works without the incurrence of indebtedness of said cities.”

And Section 1, of said Act as so amended, extended and re-enacted will read as follows:

“Section 1. That cities of the second, third, fourth, fifth and sixth classes, whether organized under the general law or special charter law, and including such cities where the commission form of government has been adopted, are hereby authorized and empowered to purchase, establish, erect, maintain and operate electric light, heat and power plants, together with extensions and necessary appurtenances thereto, within or without the corporate limits under the provisions of this Act for the purpose of supplying such city and the inhabitants thereof with electric light, heat and power.”

§ 2. All laws and parts of laws in conflict herewith, are to the extent of such conflict hereby repealed.

By Mr. Ward:

H. B. 4. An Act to amend and re-enact Section 1 of An Act providing for the renewal of franchises of public utilities in cities of the second, third, fourth, fifth and sixth classes, being Section 1 of Chapter 137 of the 1926 Acts of the General Assembly of Kentucky relating to Municipal Corporations, and being Section 2741m-1 of Carroll's Kentucky Statutes, 1930 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1 of An Act providing for the renewal of franchises of public utilities in cities of the second, third, fourth, fifth and sixth classes, being Section 1 of Chapter 137 of the 1926 Acts of the General Assembly of Kentucky relating to municipal corporations, and being Section 2741m-1 of Carroll's Kentucky Statutes, 1930 Edition, be, and the same hereby is, amended and re-enacted, so that the same, when amended and re-enacted, shall read as follows:

Section 1. Provision for Sale of New Franchise in Certain Cities.—That at least eighteen months before the expiration of any franchise, acquired under, or prior to the present Constitution it shall be the duty of the proper legislative body or boards of all cities and towns of this Commonwealth, except cities of the first class, to provide for the sale of a new franchise to the highest and best bidder on terms and conditions which shall be fair and reasonable to the municipality, to the public service corporation, and to the patrons of the corporation, and which shall specify the quality of service to be rendered.

Provided: That if there is no public necessity for the kind of public utility in question and if the municipality shall desire to discontinue entirely the kind of service in question, or if the city owns or desires to own and operate a municipal plant to render the required service, then this act shall not apply.

By Mr. Ward:

H. B. 5. An Act to amend and re-enact Section 1 of Chapter 145 of the 1934 Acts of the General Assembly of Kentucky, creating a Public Service Commission and providing for the regulation and control of utilities within the Commonwealth of Kentucky as the word "utilities" is therein defined, and being Section 3952-1 of the Kentucky Statutes as shown by Baldwin's 1934 supplement to Carroll's Kentucky Statutes, 1930 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Definitions.*

(a) The term "corporation", when used in this act, includes private quasi public and public corporations, an association, a joint stock association, or a business trust.

(b) The term "person", when used in this act, includes a natural person, a partnership, or two or more persons having a joint or common interest, and a corporation as hereinbefore defined.

(c) The term "utility" or "utilities", when used in this act, shall mean and include persons and corporations or their lessees, trustees or receivers that now or may hereafter own, control, operate or manage (1) any facility used or to be used for or in connection with the generation, production, transmission or distribution of electricity to or for the public for compensation for lights, heat, power or other uses; (2) any facility used or to be used for or in connection with the production, manufacture, storage, distribution, sale or furnishing to or for the public for compensation natural or manufactured gas, or a mixture of same, for light, heat, power or other uses; (3) any facility used or to be used for or in connection with the transporting or conveying of gas, crude oil or other fluid substance by pipe line to or for the public for compensation; (4) any facility used or to be used for or in connection with the diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation; (5) any facility used or to be used for or in connection with the transmission or conveyance over wire, in the air or otherwise, of any message either by telephone or telegraph for the public for compensation; (6) any facility used or to be used for or in connection with the transportation of persons or property by street, suburban or interurban railways for the public for compensation: Provided, however, that

for the purposes of this act the term "utility" or "utilities" shall not mean or include any city or town owning, controlling, operating or managing any facility or facilities enumerated in this paragraph.

(d) The term "facility" or "facilities" when used in this act, shall be construed in its broadest and most inclusive sense and shall include all property, real, personal, tangible, and intangible, and all other means and instrumentalities in any manner, owned, operated, leased, licensed, or used, furnished or supplied for, by, or in connection with the business of any utility.

(e) The term "rate", when used in this act, shall mean and include the plural number as well as the singular, and every individual or joint rate, fare, toll, charge, rental or other compensation for service rendered or to be rendered by any utility, and every rule, regulation, practice, act, requirement or privilege in any way relating to such rate, fare, toll, charge or other compensation, and any schedule or tariff, or part of a schedule or tariff thereof.

(f) The term "service", when used in this act, is used in its broadest and most inclusive sense, and includes every practice or requirement in any way relating to the service of any utility, including the voltage of electricity; the heat units, the pressure of gas; the purity, pressure and quantity of water, and in general the quality, quantity, and pressure of any commodity or product used or to be used for or in connection with the business of any utility.

(g) The term "commission", when used in this act, shall refer to and mean the Public Service Commission of Kentucky, unless otherwise indicated.

(h) The term "commissioner", when used in this act, shall mean one of the members of the commission.

By Mr. Ward:

H. B. 6. An Act relating to the liability of cities and

towns for damages resulting from accidents on streets, sidewalks and other public places.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No city, town or other municipality in the State of Kentucky shall be liable to any person, firm, company or corporation for damages for alleged negligence, because of its failure to keep its streets, sidewalks and thoroughfares or other public places in reasonably safe condition for traveling thereon or use by the public, and no such municipal corporation shall be held to be a guarantor of the safety of its streets, sidewalks, thoroughfares or other public places; nor shall any action for breach of duty because of failure to so maintain its streets, sidewalks, thoroughfares or other public places in reasonably safe condition for travel thereon or use by the public be maintained. It is the purpose of this Act to place the same responsibility upon cities and towns for maintaining their streets, sidewalks, thoroughfares and other public places, as is now fixed by law upon counties and the Commonwealth of Kentucky.

By Mr. Ward:

H. B. 7. An Act for the purpose of facilitating the identification of persons suspected of or charged with the commission of crimes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be lawful for any police department or any sheriff to photograph, fingerprint and measure any person suspected of or charged with the commission of crimes, said photograph, fingerprints and measurements may

be taken in accordance with any approved system including what is commonly known and designated as the Bertillon System for the Identification of Criminals or persons charged with the Commission of Crime.

Section 2. Said photographs, fingerprints and measurements so taken shall be used by the authorities in correctly identifying the accused or to aid in retaking a prisoner after escape.

By Mr. Bowen:

H. B. 8. An Act empowering and authorizing the Court of Appeals of the Commonwealth of Kentucky to render advisory opinion as to the constitutionality of any bill or measure pending in either the House or Senate, during any regular or special session of the General Assembly of the Commonwealth of Kentucky, upon written request by the Governor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Governor, by a request in writing, or either house of the General Assembly by a resolution of such house, may obtain the written opinion of the justices of the Court of Appeals of Kentucky, or a majority thereof, on important constitutional questions, and all such opinions shall be published in connection with the reported decisions of said court.

§ 2. The General Assembly of the Commonwealth of Kentucky being now in regular session and many important measures being introduced at its daily sessions, an emergency is hereby declared to exist and this act shall take effect from and after its passage and approval by the Governor.

By Mr. Milam:

H. B. 9. An Act reducing the tax for state purposes

from five (5c) cents on each one hundred dollars (\$100.00) of value of all real estate directed to be assessed for taxation to one (1c) cent on each One Hundred Dollars (\$100.00) of value of all real estate directed to be assessed for taxation, and repealing and re-enacting Chapter 148 of the Acts of the 1934 Regular Session of the General Assembly of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 148 of the Acts of the General Assembly of Kentucky, 1934 Regular Session, be repealed and re-enacted, and when re-enacted shall read as follows:

§ 2. An annual ad valorem tax for state purposes of one (1c) cent on each one hundred dollars (\$100.00) of value of all real estate directed to be assessed for taxation as provided by law and fifty cents upon each one hundred dollars (\$100.00) of value of all other property directed to be assessed for taxation, as provided by law, shall be paid by the owner, person or corporation assessed; except a tax at the rate of one-tenth of one per cent ($1/10$ of 1%) shall be paid annually upon the amount of deposits in any bank, trust company, or combined bank and trust company, organized under the laws of this State, or in any national bank of this State, as now provided by law; and also including building and loan associations incorporated under the laws of this State, and making loans to members only, which association shall be assessed except as otherwise provided by law in the manner and at the rate now set forth in Chapter fourteen of the Acts of the extraordinary session of the general assembly of nineteen seventeen (Sections four thousand nineteen a-six, four thousand nineteen a-seven, and four thousand nineteen a-eight).

The aggregate amount of taxes realized under this Act shall be paid into the State Treasury and credited to the

General Fund to be distributed and applied as may be provided by law.

All acts and parts of acts in conflict herewith to the extent of such conflict hereby are repealed.

By Mr. Milam:

H. B. 10. An Act reducing the state tax on gasoline from five (5) cents to four (4) cents per gallon, and repealing and re-enacting Section 4224-b1, Carroll's Kentucky Statutes, 1930 Edition, Baldwin's Revision, being a part of Chapter 127 of the Acts of 1928.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4224-b1 of Carroll's Kentucky Statutes, 1930 Edition, Baldwin's Revision, being a part of Chapter 127 of the Acts of 1928, be repealed and re-enacted, and when so re-enacted it shall read as follows:

That the word "gasoline" as used in this Act, shall include all liquid fuels, including liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal, coal tar, vegetable ferments, and all other products, so usable and sold in this Commonwealth at wholesale, as the words, "at wholesale" are defined herein, except kerosene, fuel oil and crude oil as such. A state tax of four cents (4c) per gallon is hereby imposed on all gasoline, as defined herein, sold in this Commonwealth at wholesale, as the words "at wholesale" are herein defined. No other excise or license tax shall be levied or assessed on gasoline by the state or any county, city, town or other district. The tax hereby provided for shall be paid by the person, firm, association or corporation so selling gasoline and shall be paid by said person, firm, association or

corporation into the general fund of the state treasury in the manner and within the time hereinafter specified. The words "at wholesale" as used in this Act, shall be held and construed to mean and include any and all sales made for the purpose of resale or distribution, or for use, and, as well, the gasoline furnished or supplied for distribution within this State, whether the distributor be the same person who so furnished the same, his agent or employee, or another person; and also to mean and include any person who shall purchase or obtain gasoline without the State and sell or distribute or use the same within the State. Provided, that nothing herein contained shall be construed as authorizing or requiring the collection of such tax upon any gasoline after the same shall have been already once taxed under the provisions of this act.

By Mr. Myers:

H. B. 11. An Act relating to the regulation of road houses, eating and drinking stands, and other places of public entertainment lying outside of the limits of incorporated towns and cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no road house, eating place, drinking place, or place of public entertainment at which people assemble to eat, drink, sing, dance, bathe, or engage in any game or entertainment for either profit or amusement, or any tourist camp, shall be permitted to operate in the Commonwealth of Kentucky outside of the corporate limits of any incorporated city or town unless its owner or proprietor shall have first made application to the County Court in which it is located for a permit to operate and shall have procured from the Court such a permit, and the application shall be addressed

to the Court and it shall state the location of the business, the name of the owner and proprietor and the nature of the business, and any permit granted by the Court shall be by an order duly entered of record in the order book of the Court, and it shall not extend beyond the first day of the following January. The order shall specifically state such facts as are required in the application, and it shall provide for proper hours of operation by a provision which shall be uniform for places of business of like nature throughout the County, and the Court may at any time following its granting such permit revoke same. Before revoking the permit the County Attorney or the Court shall cause the hearing for the revocation of the permit to be placed on the docket of the County Court in the name of the Commonwealth of Kentucky against the name of the owner and proprietor stated in the permit, and the County Attorney shall give the owner or proprietor named in the permit five days' notice in writing of the time, place and purpose of the hearing, provided the notice may be executed by posting a copy of same on either the front door or at a conspicuous place on the premises in the event it shall appear by the return of the officer serving the notice that he visited the premises and failed to find at the premises the owner or proprietor named in the permit and upon the trial of the cause, which shall be before the Court without the intervention of a jury, such orders as appear to the Court as right and proper shall be entered.

No application for a permit shall be considered unless the same shall be accompanied by a fee of twenty dollars (\$20.00), and that portion of the fee over and above the amount required to pay the usual fees of the County Court Clerk for entering the order of permit shall be paid into the County Treasury as revenue of the County, but no fees shall be collected in the event the permit shall not be granted.

§ 2. No person shall be granted a permit who is not of good moral character or who will not in the judgment of

the Court obey the laws of the Commonwealth of Kentucky in the carrying on of the business, and any one or more of the following reasons shall be sufficient grounds for revoking the permit:

(1) To suffer or permit drunken, disorderly or boisterous persons, or persons of lewd and lascivious reputation, to congregate in, near or about the premises or to permit them to use in or about the premises intoxicating liquors;

(2) To suffer or permit people to congregate there and to occupy any hidden or secreted room or place from which the view of the public is obstructed;

(3) To suffer or permit the premises to be occupied or used as a place of assemblage or entertainment at later hours than those stated in the permit.

§ 3. It shall be a misdemeanor for any owner or proprietor coming within the purview of this act to suffer or permit his premises to be used in the manner set out under either (1), (2) or (3), of the preceding section, and the penalty on a conviction for such violation shall be a fine of not exceeding \$200.00 or imprisonment in the County Jail not exceeding ninety days or both fine and imprisonment in the discretion of the Court or Jury trying the case, and in the event of a conviction the judgment shall include a revocation of the permit, and the Quarterly Court and Circuit Court shall have concurrent jurisdiction to try the charge.

§ 4. It shall be the duty of all peace officers and County Patrolmen to visit regularly such premises, and on their observing any violation of this act by the owner or proprietor or manager or employee, they shall make arrests without warrants for violations committed within their presence.

§ 5. Nothing in this act shall apply to any private home nor to the entertainment of the bona fide guests in a private home.

By Mr. Myers:

H. B. 12. An Act relating to the Government of cities of the Third Class in the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any city of the third class may become organized and be governed under the provisions of this Act by proceeding as hereinafter provided. Organizing under this Act shall not change the corporate entity of any such city, but the body politic and corporate shall remain the same body that it now is.

§ 2. All laws applicable to and governing cities of the third class and not inconsistent with the provisions of this Act shall continue to apply to and govern each city that may organize under this act; and all by-laws, ordinances and resolutions in force in any such city and not inconsistent with the provisions of this Act shall continue to be in force until altered or repealed in manner provided for in this Act.

COUNTY JUDGE TO ORDER VOTE WHEN PETITIONED BY VOTERS

§ 3. It shall be the duty of the county judge in the county in which is located a city of the third class proposing to take the sense of its voters, as herein provided, upon the question of organizing and being governed under this Act, upon the application by written petition signed by a number of legal voters of said city equal to twenty per centum (20%) of the votes cast in said city at the last preceding election for mayor, to receive said petition, and at the next term thereafter to make an order on his order book directing an election to be held in said city at the next regular election and not earlier than sixty days after said application is lodged with said judge, which order shall direct the sheriff, or other officer of said county who may be appointed to hold said election to open the polls at each and all voting places in said city

for the purpose of taking the sense of the qualified voters of said city upon the question as to whether or not the citizens in said city are in favor of the organization and government of said city under the provisions of this Act. The question to be submitted to the voters shall be: "Are you in favor of the organization and government of the city of (naming the city in which said vote is to be taken) under the city manager form of government, according to the provisions of an Act entitled (naming this act, and giving the year or date of passage, or approval, or both'').) It shall be the duty of the county clerk to give to the sheriff of the county, or to such officer as may be appointed to hold said election, a certified copy of the order of the county court as it appears in order book, within five days after such order is made; and it shall be the duty of said sheriff, or other such officer, to have said order published in some weekly or daily newspaper published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed or written handbills, posted in at least three places in said city, for the same length of time. If there is no weekly or daily newspaper published in said city, or the proprietor of said newspaper refuses to publish such notice, the printed or written handbills provided for shall be sufficient notice. If it shall be found that a majority of the legal votes cast at the election hereinabove provided for were given for or against said proposition submitted, it shall be the duty of the canvassing board to certify that fact, which certificate shall be delivered to the clerk of the county court and a copy thereof delivered to the clerk or recorder of the city, and at the next regular term of said court, the county judge shall cause the same to be spread on the order book of said court, and the entry of said certificate in the order book, or a copy thereof, shall be *prima facie* evidence of the facts therein contained. When a majority of the votes cast shall be in favor of organizing and governing the city under the provisions of this act,

and said fact shall be certified as hereinabove provided, by the said canvassing board to the county clerk, and a copy thereof shall also be certified to the city clerk, said city shall thereafter be organized and governed by the provisions of this Act. Said copy of said certificate shall be spread upon the records of said county, as herein provided, and upon the records of said city at the next regular meeting of the city legislative body.

EXPIRATION OF TERMS OF OFFICERS

§ 4. All the present city offices save those of mayor and police judge shall at the expiration of the mayor's term, or at the expiration of the term of the police judge, whichever one shall first expire, be *ipso facto* abolished; provided, however, that the term of any officer elected by the people shall not expire until the expiration of such term.

MAYOR AND FOUR COMMISSIONERS COMPOSE BOARD OF COMMISSIONERS—MANNER OF NOMINATION AND ELECTION

§ 5. If the vote shall be in favor of the organization and government of the city under the city manager form of government, then, at the first succeeding regular election at which the mayor, or police judge of such city is elected, there shall be elected by the qualified voters of said city, four commissioners and a mayor, or police judge, as the case may be, who shall hold office under the provisions of this Act, and such city manager form of government shall become effective, and go into operation upon the qualification and installation in office of the mayor or police judge, as the case may be, and commissioners elected at such election.

§ 6. No person shall be elected to said office of mayor or police judge, or commissioner, without first having been nominated in the manner hereinafter prescribed. On the third Saturday before the day for regular election there shall be

held a primary election. Said primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the later regular election. Each applicant for nomination shall, at least ten days before the day of said primary election, file with the county clerk a petition signed by at least one hundred voters, and in the following form:

We the undersigned, qualified voters of the city of.....
(naming it), and residing each at the place
 indicated opposite his or her name signed hereto, do hereby
 request that the name of.....(naming
 the applicant) be placed on the ballot as that of an applicant
 for nomination for the office of.....(naming
 the office sought) at the primary election to be held in our
 city on the third Saturday before the next regular election.
 We know the applicant to be a qualified voter of the city and
 a person of good character, and is, in our judgment, qualified
 for the duties of said office.

Names

Numbers

Streets

.....

Such petition shall be verified by the affidavit of some person or persons as to the genuineness of the signatures and addresses of the signers. No voter shall sign more than one such petition with reference to each office that is to be filled; and in the event that any voter shall sign more than one petition of applicants for nomination for mayor or police judge, or shall sign the petitions of more than four applicants for nomination for commissioners, then the name of such petitioner shall not be counted as a valid name on any of said petitions with reference to such office. Immediately upon the expiration of the time for filing such petitions the said county clerk shall cause to be published for three consecutive days

in the official newspaper of the city, and in such other papers as he may designate, in proper form, the names of the persons as they will appear upon the primary ballots; and the said clerk shall, thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Provided, however, that immediately upon the expiration of the time for filing such petitions, if it should appear that there are not more than two applicants for the nomination as mayor or police judge, as the case may be, or not more than eight applicants for the nomination for commissioner, such applicants for mayor or police judge, as the case may be, and such applicants for commissioner shall thereby be nominated and the names of such nominees shall not be placed upon the primary ballots for such primary election, and no primary election shall be held for nomination for such office. Upon said ballots the names of said applicants for each nomination shall be printed as provided in Section 9 of this Act with a square at the right of each name, and above the names of the applicants for nomination for mayor, or police judge, as the case may be, shall be printed the words, "Vote for one", and above the names of the applicants for nomination for commissioners shall be printed the words, "Vote for four". The ballots shall contain no party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation. Having caused said ballots to be printed, the said county clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last preceding general municipal election for mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and the law applicable to challenges made at a general municipal election shall be applicable to challenges made at such primary election. The officers of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number

of votes cast in each precinct for each of the applicants, and make return thereof to the county clerk upon proper blanks to be furnished by said clerk, within six hours of the closing of the polls. On the day following the said primary election the county board of election commissioners shall canvass said returns so received from all the polling precincts, and shall publish in the official newspaper of the city, at least once, the result thereof. Said canvass by the county board shall be publicly made. At such primary election the two applicants receiving the highest number of votes for nomination for mayor or police judge, as the case may be, shall be thereby nominated; and the eight applicants receiving the highest number of votes for nominations for commissioners shall be thereby nominated.

§ 7. The expenses of all primary elections under the provisions of this Act shall be paid by the city.

§ 8. At the regular elections held under this Act the names of the nominees shall be placed upon ballots differing from those used at the nomination only in that they (the election ballots) shall contain only the names of the successful nominees and the heading "city ballot", and the one nominee receiving the greater number of votes cast for mayor or police judge, as the case may be, and the four nominees receiving the greatest number of votes cast for commissioners shall be elected, respectively, mayor or police judge (as the case may be), and commissioners.

§ 9. At all elections held under this act the ballots shall be on a different sheet from all other ballots to be used in any election and shall be in the form therein prescribed, except the word "city ballot" shall be at the head thereof, and the names of all candidates for each office shall be printed on the first fifty ballots as arranged in alphabetical order and on each of the succeeding fifty ballots the names shall be printed in the same order, except that the first name on the preceding fifty ballots shall be shifted to the last place on the next suc-

ceeding fifty ballots, which last name so shifted from the first place on said previous lot of fifty ballots shall be succeeded by the second name thereon at all times, and so on thereafter throughout, a like change or rotation being made in the printed order of names for every fifty ballots.

The provisions for the general election law of the State of Kentucky as to the duties of the county clerk and other public officers in the matter of printing and distributing ballots, of the issuing of them to the voters, of receiving and depositing them in ballot boxes and of counting and preserving them, and in all other particulars except as otherwise provided herein shall be applicable in all respects to the election of the municipal officers under the provisions of this act, provided, that it shall be the duty of the sheriff of each county in which is a city of third class operating under the provisions of this Act, to provide for each precinct in said city a separate box for the reception of ballots used in the election of the municipal officers. And provided, further, that it shall be the duty of the officers of election in each precinct to issue the ballots herein provided for in the same manner as other ballots are issued at said elections, by writing the name and the residence of the voter upon the primary stub and his register upon the secondary stub of the city ballot, and by observing as to these ballots, such other regulation for the issue and deposit of ballots as may be prescribed for election generally. It shall be unlawful for any election officer or other person within the election booth to tell or to indicate, by word of mouth or otherwise, to a voter what may be the political affiliation of any candidate, and a violation of this provision shall be a misdemeanor, punishable by a fine not exceeding two hundred dollars. At the opening of the polls at any election herein provided for each judge shall appoint an inspector and challenger, whose duty it shall be to act as such in the precinct in which he is appointed and in so acting said inspector and challenger shall be governed by the pro-

visions of the general election law with reference to inspector and challenger.

§ 10. Every fourth year after the election at which a mayor and said four commissioners shall be elected, and at the corresponding times in the year, a primary election and a regular election shall be held in the same manner and for the same offices; and every fourth year after the election at which such police judge and said four commissioners shall be elected and at the corresponding times in the year, a primary election and a regular election shall be held in the same manner and for the same offices.

QUALIFICATIONS OF OFFICERS

§ 11. Any legal voter of not less than twenty-five years of age, and possessing the other qualifications prescribed by law, shall be eligible to election to any office under this Act.

LENGTH OF TERMS, SALARIES, RESPONSIBILITIES OF MAYOR AND COMMISSIONERS

§ 12. The mayor shall be elected for a term of four years, beginning on the first Monday in January following his election; and shall receive an annual salary of twelve hundred dollars; but provided that the Mayor and Commissioners elected under this Act may at any time reduce said salary to an amount not less than one dollar per annum.

§ 13. The commissioners shall be elected each for a term of two years, beginning the first Monday in January, following their election; and each shall receive an annual salary of nine hundred dollars; but provided that the Mayor and Commissioners elected under this Act may at any time reduce said salary to an amount not less than one dollar per annum.

§ 14. The mayor and the four commissioners shall constitute a board of commissioners. In this board of commissioners shall be vested all the legislative, executive and administrative power of the city, save as herein otherwise provided.

§ 15. Three members of the board of commissioners shall constitute a quorum, but the affirmative vote of at least three members shall be necessary to the adoption of any motion, resolution or ordinance, to the making or approval of any contract, or to the passage of any measure. Upon each vote the yeas and nays shall be recorded and each motion, resolution and ordinance shall be reduced to writing and read before the vote is taken thereon. Each resolution, measure or ordinance shall be signed by the mayor or by two commissioners, and recorded before it shall take effect. The board of commissioners, shall, at the beginning of its term of office, elect, by a majority of all its members, one commissioner to act as mayor pro Tem., and the commissioner so chosen shall be invested with all the powers and shall perform all the duties of the mayor, in the event of his absence from the city or his inability to attend to the duties of his office.

§ 16. The mayor shall preside at meetings of the board of commissioners and perform such other duties consistent with his office as may be imposed by the board of commissioners. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for military purposes. In time of public danger or emergency he may, with the consent of the board of commissioners, take command of the police and maintain order and enforce the laws.

CITY MANAGER MUST BE EMPLOYED BY THE BOARD OF
COMMISSIONERS—HIS RESPONSIBILITIES AND
AUTHORITY IN ORGANIZING ADMINISTRATIVE
DEPARTMENTS

§ 17. Under the City Manager Form of Government the board of commissioners shall select and employ a city manager who shall not be an officer or official of the city but the executive agent of the mayor and board of commissioners in the management of the city affairs. Neither the mayor nor

board of commissioners nor any commissioner shall dictate the appointment of any person to office or employment by the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the board of commissioners and its members shall deal with the administrative service solely through the city manager and neither the board of commissioners nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately. Any such dictation, prevention, orders, or other interference on the part of the mayor or of a member of the board of commissioners with the administration of the city shall be deemed to be a misdemeanor and upon conviction of any member so convicted shall be subject to a fine not exceeding five hundred dollars or imprisonment for a term not exceeding sixty days, or both, and such conviction shall operate to remove him, and the judgment of the court shall declare the office vacant.

CITY MANAGER'S QUALIFICATIONS—RESPONSIBLE TO AND
REMOVABLE BY BOARD OF COMMISSIONERS—
COMPENSATION

§ 18. The City Manager shall be chosen by the board of commissioners solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state. He shall be removable at will by the board of commissioners, but such removal shall not be effected by a reduction in the compensation of the city manager, and if removed at any time after having served for six months he may in writing demand written charges and a public hearing on the same before the board of commissioners prior to the date on which his final removal shall take effect, but during such hearing the board of commissioners may suspend him from office. Such public hearing shall be fixed by the board of commissioners not to exceed thirty days after

such demand therefor. During the absence or disability of the city manager the board of commissioners shall designate some properly qualified person to perform the duties of the office. The city manager shall receive such compensation as may be determined by the board of commissioners.

§ 19. The city manager shall be responsible to the board of commissioners for the proper administration of all affairs of the city, and to that end shall make all appointments, except as otherwise provided in this law. Except when the board of commissioners is considering his removal, the city manager shall be entitled to be present at all meetings of the board of commissioners and of its committees and to take part in their discussion.

BOARD OF COMMISSIONERS CREATE ADMINISTRATIVE DEPARTMENTS

§ 20. The board of commissioners shall, upon the written advice of the City Manager, create by ordinance such administrative departments as in the judgment of the board are reasonably required for the efficient, orderly and economical administration of the business affairs of the city; and may at any time create new departments, combine or abolish existing departments, or establish temporary departments; and may also prescribe by ordinance the functions of each department and provide for the appointment or employment of a director of each, or of one or more of such departments. Directors of departments shall be appointed by the city manager and may be removed by him at any time. Any person employed in any department may be removed by him at any time, by the director of such department, or by the city manager, subject to such civil service rules and regulations as may be deemed necessary for the efficient and non-political handling of city affairs.

§ 21. The board of commissioners, the city manager, and any officer or board authorized by them, or either of them,

shall have the power to make investigations as to city affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers.

THE BUDGET

§ 22. Once each year the city manager shall prepare and submit to the board of commissioners an annual budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the city government, according to a classification as nearly uniform as possible. The budget shall present the following information: (a) An itemized statement of the appropriations recommended by the city manager for current expenses and for permanent improvements for each division thereof for the ensuing fiscal year with comparative statements in parallel columns of the appropriations and expenses for the current and next preceding fiscal year, and the increases or decreases in the appropriations recommended; (b) An itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal year, and of the increases and decreases estimated or proposed; (c) A statement of the financial condition of the city; and, (d) Such other information as may be required by the board of commissioners. Copies of the budget shall be printed and available for distribution not later than two weeks after submission to the board of commissioners and a public hearing shall be given thereon by the board of commissioners or a committee thereof before action by the board of commissioners.

§ 23. The board of commissioners shall pass an annual appropriation ordinance, which shall be based on the budget submitted by the city manager. The total amount of appropriations shall not exceed the estimated revenues of the

city. Before the annual appropriation ordinance has been passed, the board of commissioners, with the recommendation in writing of the city manager, may make appropriations for the current department expenses, chargeable to the appropriations for the year when passed, to an amount sufficient to cover the necessary expenses of the various departments, until the annual appropriation is in force. No other liabilities shall be incurred by an officer or employee of the city, except in accordance with the provisions of the annual appropriation ordinance, or under continuing contracts and loans authorized under the provisions of this charter. At any meeting after the passage of the appropriate ordinance, and after at least one week's notice, the board of commissioners may amend such ordinance, so as to authorize the transfer of unused appropriations for one purpose to another purpose, to appropriate available revenues not included in the annual budget.

AUDIT

§ 24. At the termination of each fiscal year an annual audit shall be made of all the accounts of all city officers. The board of commissioners shall require said audit to be made of said accounts by qualified public accountants, selected by the board of commissioners, who have no personal interest, direct or indirect, in the financial affairs of the city or of any of its officers or employees, and the board of commissioners shall cause the result of such examination to be published in the official newspaper and in pamphlet form, and a copy of the report in pamphlet form shall be given to each voter who may apply for same at the proper office. Provided, further, that the board of commissioners may, at any time, provide for an examination or audit of the accounts of any officer or department of the city government.

BONDS OF OFFICIALS

§ 25. The mayor and each commissioner shall execute a bond to the city, upon which an action may be maintained

by any person or persons, interested in the keeping of the covenants therein contained, in the penal sum of ten thousand dollars, conditioned upon the faithful performance of his official duties; such bonds to be approved by the county judge, and filed as matters of public record. The board of commissioners shall require bonds with adequate surety of such amounts as it may deem advisable, from the city manager, and from any other city employee whose duties, in the opinion of said board, require a bond for faithful performance. Any premiums on any or all bonds provided for in this Act may, at the discretion of the board of commissioners, be paid by the city.

§ 26. Nothing herein shall be construed to apply to the organization, existence, or conduct of the affairs, of the board of education.

ORDINANCES LIE OVER FOR PUBLIC INSPECTION BEFORE FINAL PASSAGE

§ 27. Every ordinance or resolution ordering the construction or reconstruction of any street or sewer, or making or authorizing any contract involving the expenditure of more than one thousand dollars, or granting any franchise of the right to use or occupy the streets, highways, bridges, or public places of the city for any except a merely temporary purpose shall after its introduction and before its adoption remain on file at least one week for public inspection in the completed form in which it shall be put upon its final passage; and no such ordinance or resolution shall go into effect until the expiration of ten days after its passage, except in case of emergency the public health or safety shall require that it take immediate effect, which fact shall be declared by unanimous vote of the board of commissioners.

MEETINGS

§ 28. The board of commissioners shall meet at least once a week for the transaction of its business. It shall fix by

ordinance the times of holding its regular meetings. Any special meeting may be called by the mayor or by two commissioners. All meetings shall be public.

VACANCIES—HOW FILLED

§ 29. In case of the death, resignation or inability of the mayor, causing a permanent vacancy in said office, the mayor pro tem. shall act as mayor and shall possess all the rights and powers and perform all the duties of the mayor and receive his salary, under the official title, however, of mayor pro tem., until such vacancy in the office of mayor is filled by an election ordered by the board of commissioners for that purpose, at which time the mayor pro tem., if his term as commissioner be then unexpired, shall resume his duties as such commissioner. In the event that any commissioner shall for more than thirty days be necessarily absent from the city, or for the same period shall be unable from sickness or other cause to discharge the duties of his office, or in the event the mayor pro tem. shall be filling the office of mayor as contemplated as hereinabove provided for such period, the board of commissioners may fill such office temporarily by appointment, and said appointee shall discharge the duties of the commissioner whose place may thus be temporarily filled until such commissioner shall return or become fit for and resume his duties, and any such temporary appointee shall serve without compensation. In the event of a permanent vacancy in the board of commissioners caused by the death, resignation or inability of any member thereof, or in the event a permanent vacancy in the office of mayor shall be filled by the mayor pro tem., such vacancy shall be filled by appointment by the other members of the board until the vacancy shall be filled by the election of a successor at the next regular election of municipal officers, as is prescribed by law, and such temporary appointee shall for the time he serves as such, receive the salary of the commissioner whose place he has been

appointed to fill. A vacancy shall exist when any elective officer fails to qualify within ten days after notice of his election, or dies (or resigns), or moves his domicile outside the city, or remains outside the city, for a period of six months, or is convicted of a felony, or is judically declared insane, or is removed from office in any manner.

REMOVAL OF MAYOR OR A COMMISSIONER FOR CAUSE

§ 30. In case of misconduct, inability or willful neglect in the performance of the duties of his office, the mayor or any commissioner may be removed from office by an unanimous vote of the other four members of the board of commissioners. But no such officer shall be so removed without having been given the right to have a full public hearing with representation by counsel, and with witnesses summoned in his behalf and required to testify. The findings of fact at any such hearing, and the reasons for any such removal, shall be stated in writing and filed as matter of public record.

REFERENDUM AND INITIATIVE

§ 31. If during the ten days next following the passage of any such ordinance as cannot within said ten days become effective a petition signed by a number of voters equal to at least twenty-five per centum (25%) of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer, and verified as to signatures and residence by the affidavits of some one or more persons, shall be presented to the board of commissioners, protesting against the passage of such ordinance such ordinance shall be suspended from going into effect, and shall be reconsidered by the board of commissioners. If such ordinance be not then repealed, the board shall submit to the voters of the whole city at either a special or a regular election according to law, the following question: "Shall the ordinance (briefly describing it), go into effect?"

and if a majority of the votes cast upon such question be in the negative, the ordinance shall not go into effect. But if a majority of the votes cast upon such question be in the affirmative, the ordinance shall go into effect as soon as the result is officially ascertained and declared.

§ 32. If a petition signed by a number of voters equal to at least twenty-five per centum (25%) of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer, and verified by affidavits of some one or more persons as to the signatures and residences, requesting the board of commissioners to pass an ordinance therein set forth—if such petition be presented to the board of commissioners, and if the ordinance therein requested to be passed be one that the board has a legal right to pass, then the board shall either pass such proposed ordinance without alteration, within ten days after such petition is filed, or submit the question of its passage to the voters of the city at the next regular election. At such election the question submitted shall be: "Shall the proposed ordinance (briefly describing it), be passed?" If a majority of the votes cast upon said question be in the affirmative, the proposed ordinance shall be thereby passed, and shall become effective, as soon as the result is officially ascertained and declared. And such ordinance shall not be amended or repealed, except by the voters at a regular biennial city election. Any number of proposed ordinances requested by petition as above provided for may be voted on at any election. The board of commissioners may submit the question of repeal or amendment of any such ordinance to the voters at any succeeding regular city election; and if a majority of the votes cast on such questions be in favor of the repeal or amendment, such ordinance shall be thereby repealed, or amended, as the case may be.

§ 33. Whenever a question of passage of a proposed ordinance or of the going into effect, or the repeal, or the

amendment of an ordinance is to be submitted to the voters at an election, the board of commissioners shall cause the proposed ordinance or ordinances, or the ordinance and amendment, as the case may be, to be printed once in the official newspaper of the city, and in such other newspapers as the board of commissioners may direct, before such election.

RETURN TO COUNCILMANIC FORM OF GOVERNMENT—How

§ 34. Whenever the citizens of any city, which shall have been organized and governed under the provisions of this act for a period of not less than four years, shall desire that the organization and government of such under the provisions of this act shall terminate and cease, and shall desire that said city be organized and governed under the "Councilmanic Form of Government," under the provisions of an act entitled: "An Act for the government of cities of the third class in the Commonwealth of Kentucky," approved in 1893 as amended, and said citizens shall file with the county judge of the county in which is located said city, written petitions signed by a number of the legal voters of said city equal to twenty-five per centum (25%) of the votes cast in said city at the last preceding general election, it shall be the duty of the county judge of said county to receive said petition and at the next regular term thereafter to make an order on his books, directing an election to be held in said city at the next regular election and not earlier than sixty days after said application is lodged with said judge, which order shall direct the sheriff or other officer of said county who may be appointed to hold said county who may be appointed to hold said election, to open the polls at each and all the voting places in said city for the purpose of taking the sense of the voters of said city upon the question as to whether or not the citizens of said city are in favor of the abandonment of the organization and government of said city under the provisions of this act, and the adoption of the "Councilmanic Form" of government as

provided for in said act above named and the amendment thereto. The question to be submitted to the voters shall be: "Shall the city of..... (naming said city) abandon its organization and government under the City Manager form of government as provided for in an act entitled (naming this act, and giving the year or date of passage or approval, or both), and be organized and governed under the 'Councilmanic' form of government as provided for in an act entitled: 'An Act for the government of cities of the third class in the Commonwealth of Kentucky,' approved in 1893, and the amendments thereto." It shall be the duty of the county clerk to give to the sheriff of the county or to such other officer as may be appointed to hold said election, a certified copy of the order of the county court as it appears on the order book, within five days after such order is made and it shall be the duty of said sheriff or other officer to have such order published in some weekly or daily newspaper, published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed or written handbills posted in conspicuous places in said city, for the same length of time. If there is no weekly or daily newspaper published in said city, or the proprietor of such paper refuses to publish said notice, the printed or written handbills provided for shall be sufficient notice. The sheriff or other officers shall have the advertisements and notices herein provided for, posted as herein required, within seven days after he receives the orders of the county court. It shall be the duty of the canvassing board to certify the result of said election to the county court, which certificate shall be delivered to the clerk of the city and at the next regular term of said court the county judge shall cause the same to be spread upon the order book of said court and the entry of said certificate on the order book, or copy thereof shall be *prima facie* evidence of the facts therein contained.

When a majority of the votes cast shall be in favor of

said proposition to be submitted, and said facts shall be certified to as hereinbefore provided, by the said canvassing board to the county clerk and a copy of which shall be certified to the city clerk and said copy of said certificate shall be spread upon the records of said county, as herein provided, and upon the records of said city at the next regular meeting of the board of commissioners, thereupon said city shall cease to be governed by the provisions of this act, but thereafter shall be governed by the "councilmanic" form of municipal government as provided for in an act entitled: "An Act for the government of cities of the third class in the Commonwealth of Kentucky," and the amendments thereto, which said act was approved in 1893, independent of the provisions of this act. Provided that the commissioners then or theretofore elected shall continue in office and administer the government of such city until expiration of the terms for which they were elected; and, provided further that elections under this section shall not be held at the same time commissioners are elected.

RETURN TO COMMISSION FORM OF GOVERNMENT—How

§ 35. Nothing in this act shall be construed to prevent any city of third class in the Commonwealth of Kentucky from becoming organized and governed under the commission form of municipal government as provided in Article II of Chapter 89 of the 1930 Edition of John D. Carroll's Kentucky Statutes and being Sections 3480-1 to 3480-29 inclusive thereof, by following the procedure therein provided for.

§ 36. All acts, or part of acts, in conflict herewith are, to the extent of such conflict, hereby repealed.

§ 37. If any section of this act be held to be invalid, or unconstitutional, such fact shall not affect any other section of this act, it being the intention of the General Assembly in enacting this act to enact each section separately; and if any proviso or exception contained in any section of this act shall be held to be invalid, or unconstitutional, such fact shall not

affect the remaining portion of such section, it being the intention of the General Assembly to enact each section of this act and each proviso and each exception thereto, separately.

By Mr. Wallace Brown:

H. B. 13. An Act proposing an amendment to the Constitution of the Commonwealth of Kentucky pertaining to public offices and providing that all constitutional or other public offices in Kentucky in the executive, judicial and legislative departments, except the offices of Governor, Lieutenant Governor, Auditor of Public Accounts, Attorney General, Judges of the Court of Appeals, Circuit Judges and members of the General Assembly, may be abolished or consolidated by the General Assembly, and that such other public offices may be created or provided for by said General Assembly as are necessary to the conduct of Government; and providing the manner of creating and providing for said offices and the manner of their election or appointment and the submission of said proposed amendment to the voters of the State for their ratification or rejection at the next general election for members of the House of Representatives, provided for herein, and repealing all sections or parts of sections or provisions of the Constitution or laws of Kentucky in conflict herewith to the extent of such conflict.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon concurrence of three-fifths of all the members elected to each house of the General Assembly, the yeas and nays being taken thereon and entered in full in their respective journals, the Constitution of the Commonwealth of Kentucky be amended and that thereby any or all constitutional or other public offices in Kentucky, including State, county, district or other public offices, in the executive, judicial and legislative departments, except the offices of Gov-

ernor, Lieutenant Governor, Auditor of Public Accounts, Attorney General, Judges of the Court of Appeals, Circuit Judges and members of the General Assembly, may be abolished or consolidated by the said General Assembly, and that such other public offices may be created or provided for by said General Assembly as are necessary to the conduct of the said several governments within this State, but no such office shall be created or provided for except by an affirmative vote of a majority of all the members elected to each house of the General Assembly, the yeas and nays being taken thereon and entered in full in their respective journals. The manner of filling by election or appointment of such office or offices as may be created shall be provided for by the General Assembly.

§ 2. The amendment set forth herein shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution of Kentucky, and under Section 1459 of Carroll's 1930 Edition of the Kentucky Statutes, and under any and all other provisions relating thereto of the Constitution of Kentucky and laws of the Commonwealth of Kentucky in force at the time of the submission.

§ 3. All sections or parts of sections or provisions of the Constitution or the laws of Kentucky in conflict herewith are hereby repealed to the extent of such conflict.

The Speaker announced that he had referred

H. B. 1. To Committee on Kentucky Statutes No. 1.

H. B. 2. To Committee on Kentucky Statutes No. 1.

H. B. 8. To Committee on Kentucky Statutes No. 1.

Dr. Shields moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 8, 1936.

The House was opened with prayer by the Reverend Hampton Adams of the Christian Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

F. T. Allen	Eugene Gough	W. E. Mull
C. W. Anderson, Jr.	Ben Grogan	Tyler Munford
H. T. Baker	Jas. T. Hamilton	Rodes K. Myers
W. T. Baker	C. L. Hammons	J. C. Nickell
G. M. Ballard	W. L. Hampton, Jr.	Russell O'Neill
B. F. Bedford	Thomas W. Hines	Mel Petry
Reuben J. Boling	Price Holbrook	A. W. Pfeiffer
Douglas Bolling	Clyde S. Howard	J. C. Ramey
Ollie J. Bowen	Ira W. Hulette	Hobart Rayburn
Wallace Brown	John M. Hunnicut	L. K. Rice
Dr. R. A. Byers	J. T. Jennings	Wade H. Riley
Jas. C. Carter	Ben W. Johnson	Joe E. Robinson
V. O. Chandler	J. H. Jones	John C. Robinson
Floyd Clark	O. C. Jones	W. T. Rollo
Roscoe Claxon	R. T. Kirkman	A. W. Ross
George S. Clay	John Kirtley	Carl Scheben
J. A. Coleman	J. F. Ladd	Carl Schneider
Roy Conway	Leslie Larrimore	Ray O. Shehan
Herbert Cook	Robert E. Lee	Dr. B. F. Shields
Harry Davis	M. T. McCarthy	P. L. Sidebottom
Sam Dever	T. B. McConnell	Chester D. Silvers
Stanley S. Dickson	J. L. McDermott	H. C. Steely
George W. Dunlap	Lloyd MacDonald	Henry Stewart
Howard G. Early	W. F. McGary	Dr. H. S. Swope
Garland Embry	Elmer McGlothen	W. R. Tapp
Walter R. Fannin	John Marshall	R. Van Bever, Jr.
Chas. P. Farnsley	C. S. Matherly	S. J. Wagner
T. P. Fitzpatrick	D. T. Matlack	Joseph L. Wall
H. Myer Garner	Duke Mayfield	Henry Ward
G. W. Garrett	G. S. Milam	L. R. Wells
James Garnett, Jr.	W. H. Miller	W. G. Williams
Ferd A. Gnau	John B. Mollett	Charles Wylie

Mr. McCarthy moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Hammons offered the following resolution, viz.:

H. Res. 1. Resolution requesting the immediate payment of the Soldiers Bonus, by the Congress of the United States.

Be It Resolved, That the House of Representatives and the Senate of the Commonwealth of Kentucky request the Congress of the United States to make provisions immediately to fully pay the Soldiers Bonus without the charge of interest on any previous loan;

That this resolution be spread upon the permanent records of both the House and Senate;

That a copy of this resolution be transmitted to the President of the Senate and Speaker of the House of Representatives of the United States of America.

Ordered that said resolution be referred.

Mr. Davis offered the following resolution, viz.:

Whereas, in the very recent past, the sudden and untimely death of the late Hon. Edwin P. Morrow brought gloom, sorrow, and regret to the discerning citizenship of the Commonwealth of Kentucky and the Nation,

Whereas, Governor Morrow, in his life time, rendered distinguished service to the state he loved, and to a people who had sublime confidence in his honor, his integrity, and his singleness of purpose,

Whereas, as an orator of national fame and reputation, a natural born leader of men, a tireless and constructive builder, doer of kindly and humane deeds, the people of Kentucky

and the members of the party of his choice, who knew him best and trusted him most, will miss his wise counsel and timely advice. Coming to the end of the trail while the shades of life were still falling toward the West, this kind and gentle man lay down on the couch for a moment's rest and repose, using the prayer of his dear ones and friends for a pillow, he fell into a dreamless sleep and his soul was wafted in peace to that windowless palace of rest. His sacred ashes is Kentucky's pride; may his soul rest in peace in that City not made with mortal hands: Therefore,

Be It Resolved by the House of Representatives of Kentucky, That the passing of Governor Morrow is a loss to the Commonwealth he so faithfully served.

Be It Further Resolved, That this resolution be made a part of the permanent record of the House of Representatives, and a copy be mailed to Mrs. E. P. Morrow, Somerset, Kentucky.

Said resolution was adopted.

Mr. Fitzpatrick, seconded by Mr. Hunnicutt, offered the following resolution, viz.:

Whereas, during the Regular Session of 1934 of the General Assembly of Kentucky, and the Special and Extraordinary Sessions of the same body of 1934 and 1935 respectively, the record of one, Representative Christopher R. Gottschalk, of the County of Kenton, was one of excellence and unusual attainment; and,

Whereas, the aforesaid Christopher R. Gottschalk has since passed from this earthly life to his Heavenly reward; and,

Whereas, we of the House of Representatives, who survive him and the rank and file of the citizenry who have benefited from his acts and deeds from his unselfish life, and because of the warm personal feeling inspired in our hearts by his kindly life and memory:

Be It Resolved, That we inscribe in our records this tribute to his memory that future generations may fashion their lives after him; and,

Be it Further Resolved, That a copy of this resolution be transmitted to the wife of the deceased, together with the assurance of our sincere sympathy.

Said resolution was adopted.

Dr. Shields moved that a Committee be appointed by the Speaker to draw suitable resolutions on the death of The Honorable W. B. O'Connell, Clerk of the Court of Appeals.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Garnett, Gnau, Pfeiffer, Schneider, Farnsley, Rollo, Mull, Anderson, as members constituting said Committee.

The Chief Clerk of the House announced that he had received notices of contest in the case of:

J. J. Thomas vs. J. T. Jennings from the 96th Legislative District, comprising the Counties of Bath and Rowan.

Dr. Shields moved that seven members be selected in accordance with the requirements of the Constitution and Statutes of Kentucky, to determine the contest in said case and to make a report to this House and that the Chief Clerk be directed to proceed with the selection of said Committee, in conjunction with the Speaker of this House.

Said motion was agreed to.

The Speaker then announced that the House would proceed according to law and pursuant to the provisions of the

motion above set out to select by lot seven members to constitute a Board to determine the contest to the right to a seat in this House in the case aforesaid.

The names of the members were written on separate pieces of paper, rolled and placed in a box by the Clerk, in the manner provided by law, who, after the same had been well shaken, drew the names of seven members of the House therefrom separately, which were opened and read aloud by the Speaker of the House, viz.:

Messrs. Evans, McGlothen, Clark, Ladd, Rollo, O. C. Jones and Kirkman.

Whom the Speaker declared members of said Board.

Thereupon said members appeared at the bar of the House, where the oath of office was administered by the Chief Clerk.

Ordered that all papers and documents in said case be delivered to the Contest Board aforesaid.

Dr. Shields moved that two hundred copies of the House Rules, as adopted on yesterday, be mimeographed and placed on the desks of the members of the House.

Said motion was agreed to.

Dr. Shields moved that the State Printer be directed to furnish one thousand copies of the Governor's Message, printed and wrapped for mailing purposes.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, and ordered printed;

By Mr. Van Bever:

H. B. 14. An Act to repeal Sec. 341 and to amend and re-enact Sec. 340 of Article 5, Chapter 11, title IX of the Kentucky Code of Practice in Civil cases, relating to new trials.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 341 of Article 5, Chapter II, Title IX of the Kentucky Code of Practice in civil cases, be repealed, and that Section 340 be amended and re-enacted by adding to subsection 4 of Section 340, after the word "excessive" the words "or inadequate" and adding thereto after the word "prejudice" the words "or in disregard of the evidence or the instructions of the court;" and by striking out the last fourteen words of subsection 5 of Section 340. So that after Section 340 is so amended and re-enacted it shall read as follows:

"Section 340. A new trial is a re-examination in the same court of an issue of fact after a verdict by a jury or a decision by the court. The former verdict or decision may be vacated and a new trial be granted, on the application of the party aggrieved, for any of the following causes affecting materially his substantial rights.

"1. Irregularity in the proceedings of the court, jury or prevailing party, or any order of the court, or abuse of discretion, by which the party was prevented from having a fair trial.

"2. Misconduct of jury, of the prevailing party, or of his attorney.

"3. Accident or surprise which ordinary prudence could not have guarded against.

"4. Excessive or inadequate damages, appearing to have been given, under the influence of passion or prejudice or in disregard of the evidence or the instructions of the court,

"5. Error in the assessment of the amount of recovery whether too large or too small.

"6. That the verdict or decision is not sustained by sufficient evidence, or is contrary to law.

"7. Newly discovered evidence, material for the party applying, which he could not, with reasonable diligence, have discovered and produced at the trial.

"8. Error of law occurring at the trial and excepted to by the party making the application."

By Mr. Grogan:

H. B. 15. An Act amending Section Three Thousand Five Hundred Forty-Five (3545) of Carroll's Kentucky Statutes, 1930 Edition, relating to cities of the fourth class, by repealing and re-enacting said section in amended form; said Section 3545, as re-enacted, providing for the appointment of a tax collector for cities of the fourth class, fixing his qualifications, oath, bond, and providing for his compensation and authorizing the city council of cities of the fourth class to impose upon the city treasurer or the clerk of the council the duties of tax collector, and, upon the clerk, the further duty of collecting street improvement taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section Three Thousand Five Hundred Forty-Five (3545) of Carroll's Kentucky Statutes, Nineteen Hundred Thirty (1930) Edition, relating to the charter of cities of the fourth class, be, and the same is hereby, repealed and re-enacted in amended form as Section Three Thousand Five Hundred Forty-Five (3545), Sub-Sections 1., 2., 3., so as to authorize the board of council of cities of the fourth class to provide by ordinance that the clerk of the council shall perform the duties of city tax collector, and to further provide

by ordinance, if the council see fit, that the clerk of the council shall be charged with the collection of local taxes for street improvements; so that said section, as re-enacted, shall read as follows:

“Section 3545-1. *Appointment of collector; qualifications, oath and bond; compensation; council may make either treasurer or clerk of council collector; may make clerk collector of street improvement taxes.* At any regular meeting of the council they may appoint a collector, who shall hold his office for two years from his appointment, and until his successor is appointed and qualified. The collector shall be over twenty-four years of age, and a resident of the city for six months before his appointment. Before he enters upon his duties he shall take an oath to faithfully perform his duties as collector, and execute bond, with security, to be approved by the council, conditioned for the faithful performance of his duties, and to pay over to the person or persons entitled thereto all moneys that may come into his hands as such collector. It shall be the duty of said collector to collect all dues owing to the city placed in his hands. The council shall fix by ordinance, previous to his appointment, the compensation for his services. All dues owing to the city may be collected by the chief of police. The board of council, however, may by ordinance provide that the treasurer shall perform the duties of collector, or it may by ordinance provide that the clerk of the council shall possess the qualifications of collector and in such case may further provide by ordinance that the clerk of the council shall perform the duties of collector. No demand shall be necessary for the collection of said taxes, but the same shall be payable at the office of the town treasurer, or at the office of the clerk of the council as may by ordinance be provided.

2. In all cases in which the council shall require the clerk of the council to perform the duties of collector, as herein authorized, it shall also by ordinance provide that he shall take the same oath and execute the same bond, before entering

upon the duties of his office, as is now required by law of the city treasurer, except that the words "clerk of the council" shall be substituted for "treasurer" in said bond. It shall also provide in said ordinance for the appointment by the mayor of a special auditing committee to be composed of three members of the council, of which the chairman of the finance committee shall be ex-officio chairman, and it shall be the duty of such committee, after the city tax bills shall have been made out by the clerk from the schedules as at present required, carefully to check said bills against said schedules and correct any errors which may have been made, and for the performance of this task said committee may engage such clerical help as the council may think proper, and thereupon the chairman of said committee shall sign said tax bills as "Finance Chairman" and turn them over to said clerk of the council as collector, taking his receipt therefor in duplicate, showing the number of said bills so delivered and the aggregate amount thereof; and in cases where school and city taxes are required by law to be placed upon the same bills said receipt shall show the aggregate amount of school taxes and city taxes separately and a copy of said receipt shall be certified to the board of education. And said clerk, as such collector, shall have all the powers and responsibilities as are now conferred and imposed upon city tax collectors, and he shall be dealt with by other officers as other city collectors. Where the duties of collector are imposed upon said clerk after his election, he may be allowed by the council a reasonable compensation for the added duties for the remainder of his unexpired term.

3. In all cases in which the council shall require the clerk of the council to perform the duties of collector as herein authorized, it may further provide by ordinance that all local taxes due or to become due for improvement of streets under Section 3563, Carroll's Kentucky Statutes, whether said taxes have already been assessed or shall thereafter be assessed, shall be payable to said clerk of the council, at his office,

instead of at the office of the city treasurer, as now provided by Section 3563; and in such case the clerk of the council shall keep in his office, in a book to be provided for that purpose, a record of all assessments of local taxes thereafter assessed as provided in said section, showing the name and portion of the street in which the improvement is made, the character of the improvement and the names of the persons against whose property the assessments are made, or, if the assessments have already been made, the book or books showing such record shall be delivered to said clerk of the council. Upon payment of any improvement tax to the clerk of the council, he will make proper entry thereof in the record book herein provided for, whereupon the lien for such tax shall stand released. Said clerk shall carefully keep a separate account of the fund arising from assessments for each particular improvement, and each of said funds shall, upon the order of the council, be turned over to the city treasurer who shall also keep a separate account of said funds, and thereafter same shall be applied as is now provided by said Section 3563. And in all such cases said clerk shall have the same power to coerce payment of said local taxes as is now possessed by the city treasurer.

The provisions of this act are hereby declared to be severable, and the invalidity of one part shall not affect the validity of any other part.

By same:

H. B. 16. An Act to repeal Section 341 and to amend and re-enact Sec. 340 of Art. 5, Chapter II, Title IX of the Kentucky Code of Practice in civil cases, relating to new trials.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 341 of Article 5, Chapter II, Title IX of the Kentucky Code of Practice in Civil Cases, be repealed, and that Section 340 be amended and re-enacted; by adding to subsection 4 of Section 340, after the word "excessive" the words "or inadequate" and adding thereto after the word "prejudice" the words "or in disregard of the evidence or the instructions of the Court; and by striking out of the last fourteen words of subsection 5 of Section 340. So that after Section 340 is so amended and re-enacted it shall read as follows:

"§ 340. A new trial is a re-examination in the same court of an issue of fact after a verdict by a jury or a decision by the court.. The former verdict or decision may be vacated and a new trial be granted, on the application of the party aggrieved, for any of the following causes affecting materially his substantial rights.

"1. Irregularity in the proceedings of the court, jury or prevailing party, or any order of the court, or abuse of discretion, by which the party was prevented from having a fair trial.

"2. Misconduct of jury, of the prevailing party, or of his attorney.

"3. Accident or surprise which ordinary prudence could not have guarded against.

"4. Excessive or inadequate damages, appearing to have been given, under the influence of passion or prejudice or in disregard of the evidence or the instructions of the court.

"5. Error in the assessment of the amount of recovery whether too large or too small.

"6. That the verdict or decision is not sustained by sufficient evidence, or is contrary to law.

"7. Newly discovered evidence, material for the party applying, which he could not, with reasonable diligence, have discovered and produced at the trial.

"8. Error of law occurring at the trial and excepted to by the party making the application."

By Mr. Scheben:

H. B. 17. An Act to repeal and re-enact Sec. 1309, Carroll's Kentucky Statutes, relating to the punishment of persons carrying concealed deadly weapons.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1309, Carroll's Kentucky Statutes, be amended and re-enacted so as to read as follows:

Section 1309. If any person shall carry concealed a deadly weapon upon or about his person, other than an ordinary pocket knife, shall, upon conviction, be confined in the penitentiary not less than one year nor more than ten years.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

By Mr. Scheben:

H. B. 18. An Act for the purpose of notifying the Commonwealth's Attorney of persons discharged from the penitentiary.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Wardens of the penitentiaries in the Commonwealth of Kentucky, upon the release of any prisoner from confinement in the penitentiary, shall forward the name of the person so released to the Commonwealth's Attorney from the County or District which sent him to the penitentiary.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

By same:

H. B. 19. An Act to amend and re-enact Sec. 1235 of Carroll's Kentucky Statutes, relating to the punishment of persons confined in jail on conviction of a felony.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1235 of Carroll's Kentucky Statutes be amended by inserting before the word "one", "not less than", by adding after the word "year", "and not more than ten years," so that said section when amended and re-enacted shall read as follows:

Section 1235. If any person confined in jail on conviction of a felony shall escape therefrom, he shall for such escape be confined in the penitentiary not less than one year, not more than ten years.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

By same:

H. B. 20. An Act authorizing the Kentucky State Planning Board to prepare a business directory of the State of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky State Planning Board is hereby authorized to prepare a directory citing the location and giving a general outline of the activities of the principal industries within the State of Kentucky.

§ 2. That the said directory shall contain photographs with descriptions of various manufacturing plants within the

State of Kentucky. That this directory shall list possible locations for new manufacturing plants and other industries. Also, this directory shall contain a summary of the various natural resources within the State of Kentucky, together with a business prospectus of the various industries of the State of Kentucky, description of the arterial highways, railway and bus connections to the various cities, and recommendations for possible locations of industrial plants to serve as a guide for investors.

§ 3. That the said Planning Board is hereby empowered to solicit voluntary subscriptions from the various industries and manufacturing plants within the State of Kentucky to carry out the provisions of this Act.

§ 4. That copies of this Business Directory of the State of Kentucky shall be sent without charge and with the compliments of the State of Kentucky and Kentucky Industries to the various branches of the Chamber of Commerce in the cities of the United States containing over one hundred thousand population, and to all of the cities of the State of Kentucky, and to Investment Institutions.

By same:

H. B. 21. An Act to repeal and re-enact Kentucky Statutes, Sec. 1475, changing the ways and the rights of blind voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Kentucky Statutes section 1475 be now and same is hereby repealed and re-enacted.

So that said Statute when repealed and re-enacted shall read as follows:

Par. 1. "Any elector who declares, on oath, that by reason of inability to read the English language, he is unable

to mark his ballot, may declare his choice of candidates or party ticket to the clerk, who, in the presence of the judges, sheriff and challengers and the elector, shall, with his pencil, mark a dot in the appropriate place for the cross to indicate the choice of the elector. The clerk shall then fold and deliver the ballot by making a crossmark either in the squares showing dots or any other squares he may desire. In all other respects he shall vote as is required of other electors. In case any person applying to vote is blind, and shall so declare on oath, the clerk shall swear the person accompanying the said blind voter to mark his ballot for him in accordance with the directions of the blind voter, and then the blind voter and the person sworn shall enter the voting booth and the one so sworn shall mark the ballot for the blind voter as he is directed, the ballot shall then be folded by the person marking the same and placed in the ballot box; or, in case any person shall be so physically disabled as to be unable to mark his ballot, and shall so declare, on oath, the clerk shall have the right to mark his ballot. Any one making a false declaration under this provision of this section shall, upon conviction, be fined in any sum not exceeding fifty dollars, and be disfranchised for a period of two years; and any clerk who shall willfully deceive any elector in marking any ballot, or willfully mark the same in any other way than as requested by said elector, shall be guilty of felony, and upon conviction, shall be imprisoned in the penitentiary for not less than two nor more than five years."

By same:

H. B. 22. An Act to authorize the State Planning Board to prepare a report on Reorganization of Local Units of Government and to permit the consolidation of counties, cities, and municipalities within the State of Kentucky.

Said bill is as follows, viz.;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky State Planning Board is hereby authorized to make a survey of the various counties of the State for the purpose of enlarging the counties and reducing their present numerical status. That the said Planning Board is hereby empowered to call in such expert assistance as it may deem advisable to comply with the provisions of this Act.

§ 2. That soon as practicable, and this Act has become a law, the Planning Board shall make a survey of all the counties, cities, and municipalities in the State, and prepare a plan whereby the number of counties of the State may be reduced from the present number to not less than forty counties, and neighboring cities, and municipalities may be merged.

§ 3. That when preparing this plan, the Planning Board shall give consideration to the geography of the counties so as to give proper recognition to the arterial highways of the State School Districts, Circuit Courts, and proper location for the County Seats, and to the various pursuits, industries, and crafts of the inhabitants of the counties. That the said plan for reorganization shall do no violence to any county by taking from it and giving to another a territory which contains an industry that has been a vital source of revenue to such a county. That the said plan shall contain information as to the savings that would be affected by the merging of several counties, cities, or municipalities. That if it is found, that the merger of some contiguous counties, cities, or municipalities would prove to be of no substantial financial saving as some previous studies have shown, the said Planning Board shall study the administration of such counties, cities, or municipalities and make recommendations for their reorganization and to draft any legislation that may be necessary, to be submitted either to such counties, cities, or municipalities, or to the General Assembly of the State of Kentucky.

That this plan shall be printed and copies shall be sent

to every county in this State of Kentucky and to any public spirited organization upon request.

§ 4. That this Reorganization Plan shall not affect the Legislative and Congressional Districts within the State. This plan is only to serve as a suggestion to the various local units of government within the State, who may, of their own free will, reorganize such units of government as may be proposed by the said Planning Board.

§ 5. That before any group of counties, cities, or municipalities enter into contract for the purpose of consolidation, such counties, cities, or municipalities shall order an audit of their books to be under the direction of the Auditor of the State of Kentucky. The information contained in such audit shall be communicated to each of the contracting counties, cities, or municipalities by the Auditor of the State of Kentucky. That the Auditor of the State of Kentucky shall charge against each county, city, or municipality the regular established fee for such an audit.

No consolidation can be effected and no contract shall be signed by authorized public officials of counties, cities, or municipalities until such an audit has been conducted. If any of the contracting counties, cities, or municipalities are dissatisfied with the contract to be entered into after receiving the auditor's report, such a county, city, or municipality may withdraw from the said agreement of consolidation before the signatures of the authorized officials of such counties, cities, or municipalities have been affixed to the said agreement of consolidation. That all of the particulars of such agreements of consolidation shall be given wide publicity through the press and otherwise.

Further, that the said agreement of consolidation of counties, cities, and municipalities shall contain a definite plan as to the retirement of the public debt and all other obligations which such counties, cities, or municipalities have assumed.

§ 6. All laws and parts of laws to the extent of their conflict with this Act are hereby repealed.

By same:

H. B. 23. An Act enabling the Counties, Cities and Municipalities of the State of Kentucky to establish a system of Health Insurance and creating a commission on Health Insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commissioner of Insurance, the Commissioner of Banking and Securities, and a member of the Board of Health, to be designated by the Governor of the State of Kentucky shall constitute a commission known as the Kentucky Health Insurance Commission.

§ 2. That the said Kentucky Health Insurance Commission shall conduct a survey of the practice of Community Health Insurance now operated in the Eastern part of these United States, and prepare a printed report of the above mentioned survey, together with comments and recommendations as to the adaptability of such a system of Health Insurance within the State of Kentucky. That this printed report shall be circulated throughout the various counties, cities, and municipalities of the State.

§ 3. That after having received such a report, any county, city, or municipality, or group of counties, cities, or municipalities may establish a system of Health Insurance subject to the approval of the Kentucky Health Insurance Commission. That before any system of Health Insurance shall be approved by the Kentucky Health Insurance Commission, a thorough study shall be made of the adaptability of the desired system to the particular county, city, or municipality requesting such an Insurance. That the system must

be financially sound, and that the security of the policyholders shall be maintained by sufficient bonding or the guaranteed security on the part of some bona fide Insurance Company with which such a county, city, or municipality may contract to provide Health Insurance.

§ 4. That the said Commissioners shall receive no salary, but that all other expenses incurred shall be drawn from the Department of Insurance of the State of Kentucky until the time when the assessments hereinafter prescribed shall be made upon counties, cities, and municipalities, or Insurance Corporations engaged in the practice of Health Insurance. And at that time, the money drawn from the Department of Insurance for this purpose shall be returned to the Department of Insurance of the State of Kentucky.

§ 5. That an assessment shall be made upon every policy issued by the county, city, or municipality, or Insurance Corporation not to exceed fifty cents each to be paid to the Kentucky Health Insurance Commission. That this fund shall be used to defray the expenses of the Kentucky Health Insurance Commission.

§ 6. That the term Health Insurance employed in this Act shall be interpreted as Insurance which provides for semi-private hospitalization and nursing service. That this particular phase of the work of the Kentucky Health Insurance Commission shall be under the direction of the Commissioner that is associated with the Board of Health. He shall regulate all conditions of Hospital Service after consultation with local hospitals in the community where such Insurance is contemplated. That counties, cities, municipalities, or Insurance Corporations shall be required to pay hospitals the regular establishment rates for hospital service except where contracts are entered into.

§ 7. That the maximum amount to be charged a policyholder for such Health Insurance by the county, city, or municipality, or Insurance Corporation, shall not exceed the sum of \$12 (twelve dollars) per annum. That a special assess-

ment of five per centum of the annual payment of each policyholder shall be levied upon each policy in addition to the annual payment herein set forth, which shall be placed in the custody of the fiscal court of the county in which such Insurance is initiated. The fiscal court shall use this fund to aid local hospitals in their particular county. This aid shall consist in providing equipment or making building improvements. The fiscal court shall further see to it that the hospital in its county that is the most needy shall receive attention first. In the event that such a county has no hospital, the fiscal court may grant aid to the hospital in any adjoining county which has rendered hospital service to the county in which such fiscal court presides. This fund shall not be drawn upon until two years have elapsed from the date of inaugurating such insurance. And that counties, cities, municipalities, or Insurance Corporations are hereby required to collect this additional five per centum from their policyholders, and make its financial settlements with the fiscal court semi-annually in the months of January and July not later than the fifteenth day thereof.

§ 8. That the said Health Insurance Commission is hereby empowered to make whatever detailed regulations that may become necessary to promote the program herein set forth so long as the said Commission remains within the bounds of the provisions of this Act. That after a system of Health Insurance has been in operation for more than two years, the said Health Commission shall draft legislation to further promote the soundness of the System of Health Insurance has been in operation for more than two years, the said Health Commission shall draft legislation to further promote the soundness of the System of Health Insurance within the State of Kentucky and to correct certain weaknesses of the system that may develop. That the said Health Insurance Commission shall submit this measure to the General Assembly for its consideration,

§ 9. All laws and parts of laws to the extent of their conflict with this Act are hereby repealed.

By Mr. Ward:

H. B. 24. An Act to amend and re-enact Sec. 3187d, Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3187d, Kentucky Statutes, be amended and re-enacted so that said Section as so amended and re-enacted shall read as follows:

“Section 3187d. In addition to the power given to cities of the second class by the provisions of existing laws for the collection of taxes by sale of delinquents' property, such cities shall also have the power and are hereby authorized to enforce the collection of any taxes due them, and to enforce the lien therefor on the property of such delinquent, by any and all remedies given by general law for the recovery of debt and the enforcement of liens upon property in satisfaction thereof in any Court of this Commonwealth otherwise competent for that purpose, and suit for the collection of taxes may be instituted at any time after such taxes become delinquent. In any such action the City may file a copy of the tax bill attested by the Treasurer under the seal of the City, and said tax bill shall be *prima facie* evidence of the due and regular assessment of the property for taxation, the levy of taxes thereon, and of every other fact and proceeding necessary to entitle the city to judgment for the taxes with all interest and penalties thereon and the cost of the action, and to have a sale of the property for the payment of same, though said relief be against a non-resident or person under disability, and in such action against non-residents the city shall not be required to file or execute any bond for restoration of said property

or money as provided in Section 410 of the Civil Code. Provided, however, that no personal judgment shall be rendered against a person under disability or against a non-resident who has not appeared or been summoned in the action, and the proceedings against such person shall be as provided in the Civil Code of Practice except as otherwise herein provided. Circuit Courts shall have jurisdiction of all proceedings to enforce liens on real estate for taxes as herein provided without regard to the amount of same."

§ 2. All laws and parts of laws in conflict herewith and to the extent of such conflict only are hereby repealed. It is the purpose of this Act to provide an additional remedy for the enforcement of tax claims by cities of the second class.

By Mr. McGlothen:

H. B. 25. An Act establishing as part of the primary system of the State highways a road from Frenchburg in Menifee County via Denniston, Pomroyton, Valerie, Gosneyville, Stillwater, Campton, Vortex and Flat to Booneville in Owsley County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Frenchburg in Menifee County via Denniston, Pomroyton, Valerie, Gosneyville, Stillwater, Campton, Vortex and Flat to Booneville in Owsley County.

§ 2. That the construction, maintenance, supervision and control of said roads shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereon, establishing and creating the primary system of State highways, to the same effect as if said road had been named in the orig-

inal act as one of the projects of the primary system of State highways as provided therein.

By Mr. Gnau:

H. B. 26. An Act to establish a state commission for improving the condition of the blind and for the prevention of blindness in the state of Kentucky, and to prescribe the powers and duties thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Creation of a Commission for the Blind.* There is hereby established under the State Board of Charities and Corrections an administrative board to be known as the Kentucky State Commission for the Blind and the Prevention of Blindness, hereinafter referred to as the Commission, which shall be charged with the duty of providing in the manner hereinafter set forth, the welfare of blind persons, persons with seriously impaired vision, and persons suffering from conditions which might lead to blindness.

§ 2. *Appointment of Commission; Compensation.* The Commission for the Blind shall consist of five members, appointed by the Governor within sixty days after the passage of this act, of whom one at least shall by preference be a blind person.

The full term of office of the members of this Commission shall be five years; but of the first Commission appointed, one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year. At the expiration of the term of any member of the Commission, his successor shall be appointed for a term of five years.

The members of the Commission shall receive no compensation for their services, but shall be reimbursed for their

traveling and other necessary expenses incurred in the performance of their official duties.

§ 3. *Employees of the Commission.* The Commission may appoint such officers and agents as may be necessary and fix their compensation within the limits of the annual appropriation, in all cases giving preference to blind persons of equal efficiency, but no person employed by the Commission shall be a member thereof.

§ 4. *Register of the Blind.* It shall be the duty of the Commission to cause to be compiled and maintained a complete register of the blind in the state of Kentucky, which shall describe the condition, cause of blindness, capacity for education and industrial training of each, with such other facts as the Commission may deem to be of value.

§ 5. *Prevention of Blindness.* The Commission shall maintain a bureau of prevention of blindness, the objects of which shall be to make inquiries concerning the causes of blindness, to learn what proportion of these cases are preventable, and to inaugurate and co-operate in any such preventive measures for the state of Kentucky as may seem wise. The Commission may arrange for the examination of the eyes of individual blind or partially blind persons and may obtain and pay for medical and surgical treatment of such persons whenever in the judgment of the Commission the eyes of such persons may be benefited thereby.

§ 6. *Vocational Aid.* The Commission shall maintain or cause to be maintained one or more bureaus of vocational aid, the object of which shall be to aid the blind in finding employment and to teach them trades and occupations which may be followed in their homes, and to assist them in whatever manner may seem advisable to the Commission in disposing of the products of their home industries.

§ 7. *Vocational Training; Workshops.* The Commission shall cooperate with the Kentucky Workshop for the Blind in regard to the training and employment of capable blind persons. The Commission may also pay for tuition,

lodging, support and all necessary expenses for blind persons during their training or instruction in any suitable occupation, whether it be industrial, commercial or professional or any other, in establishments, schools or institutions, or through private instruction, wherever in the judgment of the Commission the training or instruction in question will contribute to the efficiency or self-support of such blind persons. When special educational opportunities cannot be had in this state, they may be arranged for, at the discretion of the board, outside of the state. The Commission may also, whenever it thinks proper, aid individual blind persons or groups of blind persons to become self-supporting by furnishing materials or machinery to them, and may also assist them in the sale and distribution of their products; but this shall not be deemed to authorize the making of gifts by the Commission.

§ 8. *Accounts and Audit for Industries.* The Commission shall keep separate books of account for its industries, and may use all moneys received from the sale of any products made under its supervision to which it has title, for the purpose of carrying on its said industries. The comptroller, or some person authorized by him, shall at least once in each year, and oftener if he deems it advisable, examine the books, accounts and vouchers of the Commission.

§ 9. *Home Teaching and Social Service.* The Commission may ameliorate the condition of the blind by promoting visits among them in their homes for purposes of home teaching or social service, as the Commission may deem advisable.

§ 10. *Administration of Relief.* The Commission shall be charged with the duty of administering relief for the needy blind in the manner hereinafter provided.

§ 11. *Application for Relief.* Any person interested may at any time apply to the Commission, in behalf of any wholly or partially blind person who is without means of support and incapable of self-support, and ask for the relief provided under this act, provided the person for whom relief is sought is eligible under the provisions of Section 12 thereof.

§ 12. *Eligibility for Relief.* Relief may be granted under this act to an applicant,

(1) Who is twenty-one years of age or over; and

(2) Whose vision is insufficient for use in an occupation for which sight is essential; and

(3) Who is unable to provide himself with the necessities of life, has insufficient means of his own to support him; and has no relative or other person able to provide and legally responsible for his maintenance; and

(4) Who has resided in this state for five years during the nine years immediately preceding the date of application, or who suffered loss of sight while a resident of this state and is still a resident of this state, or who was blind and resident in this state at the time of the passage of this act; and

(5) Who is not on inmate of any charitable or correctional institution of this state or of any county or city thereof; provided, that an inmate of such a charitable institution may, at the discretion of the Commission be granted a benefit in order to enable him to maintain himself outside the institution; and

(6) Who is not, at the time of making application, suffering from mental or physical infirmity, which, in itself, would make him a charge upon any other institution or agency of this state, and which had so incapacitated him prior to the loss of sight, that such person was a public charge prior thereto; and

(7) Who is not publicly soliciting alms in any part of this state. The term "publicly soliciting" shall be construed to mean the wearing, carrying, or exhibiting of signs denoting blindness or the carrying of receptacles for the reception of alms, or doing of the same by proxy or by begging from house to house.

§ 13. *Facts to be Presented in Application.* Any person claiming benefit under this act shall file with the Commission for the Blind a duly verified statement of facts sufficient to bring him or her within the provisions of the act, including

a certificate signed by a regular practicing physician, skilled in diseases of the eye, setting forth the diagnosis, prognosis, and amount of vision remaining. The said Commission shall fully establish the facts set forth in the petition and other facts it deems necessary, including the legal residence of the applicant in any county of the state, and may, in its discretion, require an additional examination of the applicant's eyes by an ophthalmologist designated by the Commission.

§ 14. *Amount of Relief Grant.* If the Commission for the Blind is satisfied that the applicant is entitled to relief under the provisions of this act, the said Commission shall order relief to be granted to the amount in its discretion deemed advisable, but in no case to exceed three hundred and sixty dollars (\$360) per year, said relief to be paid in monthly payments from the funds appropriated for the purpose; provided that if the applicant for benefit under this act shall be found upon investigation to be both blind and totally deaf, the maximum amount of the benefit payable to such applicant shall be seven hundred and twenty dollars (\$720) per year; and further provided that, in the case of two blind persons married after the passage of this act, the maximum amount of relief payable for their joint care and support shall be three hundred and sixty dollars (\$360) per year.

§ 15. *Commission's Petition to County Court.* If the applicant has a legal residence in any county of the state, the Commission shall present a petition to the county court of such county, for relief for the blind person named in the petition for an amount not to exceed one-half the amount granted by the Commission under the provisions of Section 14 of this act, and shall accompany the petition with a full statement of the facts which bring the said blind person within the provisions of this act.

The judge of the county court to whom petition is presented may in his discretion order the Commission to produce further proof and testimony, or may order the person named

in the petition and the petitioner to appear before him or his representative to establish the facts set forth in the petition.

§ 16. *Award by County Court.* Whenever said facts set forth in the petition shall have been fully established, the court shall order relief in the amount provided by law, not to exceed, in the case of an applicant who is blind, one hundred and eighty dollars (\$180) in any one year, and in the case of an applicant who is both blind and totally deaf, three hundred and sixty dollars (\$360) in any one year, to be paid to the Commission for the Blind out of the general funds or poor fund of the county upon receipt of a duly verified statement setting forth the amount of relief paid by the Commission to the blind person for whom such petition was granted.

All relief granted under this act is granted with the understanding that the amount is to be available only for the use of the Commission for the Blind, which shall expend it only on behalf of the person named in the petition and for whom the relief is granted.

§ 17. *Estimate for County Commissioners.* The Commission for the Blind shall, within sixty days after this act takes effect, transmit to the board of county commissioners in each county of the state an estimate of the amount necessary for carrying into effect in each said county the provisions of this act, and the board of county commissioners shall for the year one thousand nine hundred and thirty-six appropriate an amount sufficient to meet the estimated expenditures under this act.

Thereafter, in December of each year, the Commission for the Blind shall forward to the board of county commissioners of each county of this state an estimate of the amount of money necessary for carrying into effect in said county the provisions of this act, and the said board of county commissioners shall in the budget for the ensuing calendar or fiscal year appropriate a sufficient amount to meet the expenditures of the county under the provisions of this act.

§ 18. *Applicant Without Legal Residence in County.*

If the applicant for relief under the provisions of this act does not have a legal residence in any county in this state, relief granted shall become a charge upon the state and shall be paid for from the funds provided for that purpose in any annual or special appropriation act.

§ 19. *Removal from One County to Another.* In case of the removal of any recipient of the relief herein created, from one county to another in this state the amount paid by each county in any given year shall be made proportionate to the recipient's length of residence in such county during such year.

§ 20. *Use of Relief Funds for Restoration of Sight.* If the Commission, upon examination, finds that the recipient or claimant for relief may have such disability benefited or removed by proper surgical operation or medical treatment, according to the evidence of a qualified ophthalmologist, and such person entitled to such relief file his consent in writing, then the Commission may expend for such surgical operation or medical treatment and other expense incidental thereto, all or any portion of the relief which the Commission may award any such person for one year under the provisions of this act. In such case the warrant shall be directly issued to the person performing such surgical operation or rendering such medical or other services upon the certificate of the Commission instead of being paid as the Commission may have directed to the person entitled thereto.

§ 21. *Appointment of Trustee.* The Commission may appoint a trustee to take charge of the expenditures of the relief granted any applicant, when, in its opinion, such trustee is necessary. In such case the warrant shall be issued to the direct order of such trustee, or in his name. Such trustee shall serve without pay and shall be subject to the rules and regulations which said Commission shall prescribe.

§ 22. *Annual Re-Investigation.* The Commission shall make examination of all recipients of said relief annually or more often in its discretion, and in case any person is

found no longer needy or the disability has been removed, or there is any other reason why the relief should not be continued, in whole or in part, then said Commission shall reduce or discontinue the amount.

§ 23. *Right of Appeal.* Any blind applicant who is dissatisfied with the action of the Commission for the Blind regarding his application for benefit under this act may appeal to the State Board of Charities and Corrections. The Chairman of the State Board of Charities and Corrections shall hold a hearing on such appeal and shall give all parties concerned written notice of the time and place of such hearing. At such hearing the applicant may appear in person or by counsel of his own choosing.

§ 24. *Recipients of Old Age Assistance Not Eligible.* No aid to needy blind persons shall be given under the provisions of this act to any individual for any period with respect to which he is receiving aid under the Old Age Security Act of the State of Kentucky.

§ 25. *Recipient Not Deemed a Pauper.* No blind person shall be deemed a pauper by reason of receiving relief under this act, and such relief shall be in lieu of all other relief of a public nature.

§ 26. *Fraudulent Claim a Misdemeanor.* Any person who shall knowingly or willfully procure or attempt to procure, directly or indirectly, any allowance for relief under this act, for or on account of a person not entitled thereto, or who shall knowingly or willfully pay or permit to be paid any allowance to a person not entitled thereto, shall be guilty of a misdemeanor.

§ 27. *Co-Operation with U. S. Government.* The Commission for the Blind is hereby empowered and authorized to co-operate and enter into co-operative agreement with and receive contributions from the United States Government for assistance to the blind. All contributions received hereunder from the United States Government shall be paid into the

State Treasury and credited to the biennial appropriations to the Commission for the Blind.

§ 28. *Disposition of Federal Funds.* If, when, and during such time as funds are provided or made available by the United States Government for financial aid to the needy blind in this state, under the provisions of Section 27 of this act, the Commission for the Blind shall refund to each county one-half the amount paid by such county under the provisions of Section 16 of the act during the period covered by such Federal grant; provided that, if the amount received from the Federal Government for financial assistance to the needy blind be insufficient for this purpose, the said amount, exclusive of the five per cent allowed for administration, shall be distributed among said counties on a pro rata basis.

§ 29. *Commission May Receive Gifts.* The Commission is authorized to receive moneys by gift or request and expend the same for any of the objects and purposes of the Commission under this act; and shall include in its annual report to the State Board of Charities and Corrections a statement of the moneys so received and expended.

§ 30. *Report of Commission.* The Commission shall make a detailed report to the State Board of Charities and Corrections on or before the first of January of each year in which the legislature convenes, showing all appropriations received and how the same have been expended, and covering its activities and accomplishments for the preceding biennium and making recommendations therein for the further improvement of the condition of the blind and the prevention of blindness in the state.

§ 31. *Validity.* If any portion of this act shall be declared unconstitutional, such declaration shall not affect the validity of the remaining portions of this act, which shall remain in force as though such declaration had not been made.

§ 32. *Repeal of Conflicting Acts.* Chapter 18 of the Acts of the General Assembly of Kentucky of 1924 is hereby repealed.

§ 33. *Taking Effect.* This act shall take effect immediately.

By Mr. Hunnicutt:

H. B. 27. An Act to amend and re-enact Section 366 of Carroll's Criminal Code, Baldwin's 1932 Edition, relating to appeals from police courts to Circuit Courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 366 of Carroll's Criminal Code, Baldwin's 1932 Edition, be, and the same is hereby, amended and re-enacted so that said section as amended and re-enacted shall read as follows:

Section 366. Case tried *de novo*; when considered affirmed; costs.—Upon the appeal the case shall be tried anew, as if no judgment had been rendered, and the judgment shall be considered as affirmed if judgment for any amount be rendered against the defendant and thereupon he shall be adjudged to pay the costs of the appeal, provided, however, that a judgment in the police courts of cities of the first, second, third and fourth classes shall be appealed to the circuit court by proceedings in error only.

§ 2. This act shall take effect and be in force from and after its passage.

By Mr. F. T. Allen:

H. B. 28. An Act establishing as part of the primary system of State highways a road from Hazel Green in Wolfe County via Toliver to Gosneyville in Wolfe County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Hazel Green in Wolfe County, via Toliver, to Gosneyville in Wolfe County.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

By same:

H. B. 29. An Act establishing as part of the primary system of State highways a road from Vortex in Wolfe County via Hollandsville and Bethany Orphanage to Vaneleve in Breathitt County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as part of the primary system of State highways in the Commonwealth of Kentucky a road leading from Vortex in Wolfe County, via Hollandsville and Bethany Orphanage, to Vancleave in Breathitt County.

§ 2. The construction, maintenance, supervision and control of said roads shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways to the same effect as if said road had been included in the original Act as one of the projects of the primary system of State highways as provided therein.

By Mr. Silvers:

H. B. 30. An Act amending and re-enacting Section 436, Carroll's Kentucky Statutes, 1830 Edition and defining the duties of constables in this Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 436, Carroll's Kentucky Statutes, 1930 Edition, be amended and re-enacted so that when amended and re-enacted the same will read as follows:

Section 436. Duties Constables may perform. Constables may execute bench warrants, warrants of arrest, distress or other warrants, summons, subpoenas, attachments, notices, rules and orders of Court in all criminal, penal and civil cases, and shall return all such process, noting the time of execution on them to the Courts or persons issuing them, except that no Constable or his deputy shall execute any warrant of arrest, nor shall he arrest any person or persons for the violation of any of the motor vehicle laws of this Commonwealth.

By Mr. Coleman:

H. B. 31. An Act amending so much of Section 965, Kentucky Statutes, Carroll's One Thousand, Nine Hundred and Thirty Edition, as relates to the 28th Judicial District, and changing the time for holding the sessions of Circuit Court in the counties of the 28th Judicial District of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 965 of Kentucky Statutes, Carroll's One Thousand, Nine Hundred and Thirty Edition, relating to the holding of Circuit Courts in the counties of the 28th Judicial

District, be and the same is hereby, amended by striking out all of Section 965-28, relating to the holding of court in the 28th Judicial District, and inserting in lieu thereof, the following:

Rockcastle County, at Mt. Vernon, second Monday in January, 18 juridical days; second Monday in April, 18 juridical days; third Monday in August, 24 juridical days. Pulaski County, at Somerset, first Monday in February, 24 juridical days; second Monday in May, 30 juridical days; third Monday in September, 48 juridical days. Wayne County, at Monticello, first Monday in March, 18 juridical days; third Monday in June, 18 juridical days; third Monday in November, 18 juridical days. Clinton County, at Albany, fourth Monday in March, 12 juridical days; second Monday in July, 12 juridical days, second Monday in December, 18 juridical days.

An emergency is declared to exist and this Act shall take effect from and after its approval by the Governor.

By Mr. Hulette:

H. B. 32. An Act to repeal Section 341 and to amend, and re-enact Section 340 of Article 5, Chapter II, Title IX of the Kentucky Code of Practice in Civil cases, relating to new trials.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 341 of Article 5, Chapter II, Title IX of the Kentucky Code of Practice in Civil Cases, be repealed, and that Section 340 be amended and re-enacted; by adding to subsection 4 of Section 340, after the word "excessive" the words "or inadequate" and adding thereto after the word "prejudice" the words "or in disregard of the evidence or the instructions of the court"; and by striking out the last fourteen

words of subsection 5 of Section 340. So that after Section 340 is so amended and re-enacted it shall read as follows:

“Section 340. A new trial is a re-examination in the same court of an issue of fact after a verdict by a jury or a decision by the court. The former verdict or decision may be vacated and a new trial be granted, on the application of the party aggrieved, for any of the following causes affecting materially his substantial rights.

“1. Irregularity in the proceedings of the court, jury or prevailing party, or any order of the court or abuse of discretion, by which the party was prevented from having a fair trial.

“2. Misconduct of jury, of the prevailing party, or of his attorney.

“3. Accident or surprise which ordinary prudence could not have guarded against.

“4. Excessive or inadequate damages, appearing to have been given, under the influence of passion or prejudice or in disregard of the evidence or the instructions of the court.

“5. Error in the assessment of the amount of recovery whether too large or too small.

“6. That the verdict or decision is not sustained by sufficient evidence, or is contrary to law.

“7. Newly discovered evidence, material for the party applying, which he could not, with reasonable diligence, have discovered and produced at the trial.

“8. Error of law occurring at the trial and excepted to by the party making the application.”

By Mr. McCarthy:

H. B. 33. An Act providing for the registration for elections of voters in the Commonwealth of Kentucky not residing in cities of the first, second, third, and fourth classes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be a registration of all qualified voters of the Commonwealth, not residing in cities of the first, second, third or fourth classes which registration shall be held and conducted at the time and in the manner and under the provisions of law now provided by law for registration of voters in cities of the first, second, third and fourth classes in which the population is more than 5,000 as provided by Chapter 64 of the Acts of the General Assembly of 1924, and as provided for cities of the fourth class, including those cities of the fourth class which have a population of less than 5,000 as provided by Chapter 97, of the Acts of General Assembly of the Commonwealth, of 1928.

All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bills be referred.

The Speaker announced that he had referred

H. B. 33. To Committee on Kentucky Statutes No. 1.

H. B. 9. To Committee on Kentucky Statutes No. 1.

Dr. Shields moved that the session of today be extended indefinitely.

Said motion was agreed to.

Dr. Shields moved that the House do now recess until one o'clock P. M.

Said motion was agreed to.

And then the House recessed.

AFTERNOON SESSION

The hour of one o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Gnau moved that the Rules of this House be suspended for the purpose of receiving reports from Standing Committees.

Said motion was agreed to.

Thereupon, Dr. Shields, of the Committee on Kentucky Statutes No. 1, reported bills of the following titles, viz.:

H. B. 2. An Act repealing Chapter 25 of the Extraordinary Session of the General Assembly of 1934 known as the "Gross Receipts Tax Law of 1934" and declaring an emergency.

H. B. 8. An Act empowering and authorizing the Court of Appeals of the Commonwealth of Kentucky to render advisory opinion as to the constitutionality of any bill or measure pending in either the House or the Senate, during any regular or special session of the General Assembly of the Commonwealth of Kentucky, upon written request by the Governor.

With the expression of opinion that said bills ought to pass.

Said bills were each read at length the first time and ordered to be placed on the Calendar.

Mr. Davis moved that the Rules of this House be suspended for the purpose of introducing bills,

Said motion was agreed to,

Thereupon the following bills were introduced and ordered printed, viz.:

By Mr. Davis:

H. B. 34. An Act to repeal, amend and re-enact Section 1938a-5, Carroll's Kentucky Statutes, pertaining to and fixing the time for hunting rabbits.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1938a-5, Carroll's Kentucky Statutes, be repealed, amended and re-enacted so that when repealed, amended and re-enacted said section shall read as follows:

Rabbits. No person shall between 10th day of January and 23rd day of November, both days inclusive, in any year, catch, kill, injure, pursue with such intent, any rabbit; provided, however, anyone may catch rabbits with dogs or in traps, upon their own property for their own use, but said rabbits or parts thereof, cannot be bartered or traded, or offered or exposed for sale, barter or trade, between the dates above mentioned. Provided, however, that it shall be unlawful to catch or take by means of snares any rabbit at any time.

By same:

H. B. 35 An Act to repeal, amend and re-enact Section 1954, Chapter 24, Carroll's Kentucky Statutes, pertaining to hunters license and providing the manner of obtaining both hunters license and fishing license at a cost of one dollar and fifty cents (\$1.50) for each applicant.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1954, Chapter 24, Carroll's Kentucky Statutes, be repealed, amended and re-enacted so that when so repealed, amended and re-enacted said Section shall read as follows:

Residents License, How Obtained. Any person who has been a bona fide resident of this state for one year then past, may procure a hunters license for himself or herself by filing his or her affidavit with the county clerk of the county in which he or she resides, stating his or her age, place of residence, post office address, height, color, color of his or her eyes and hair, and the fact whether he or she can write his or her name, and by paying to the said county clerk the sum of one dollar (\$1.00) which license shall entitle him or her to hunt in all counties of this State. Any person qualified for a hunters license as herein prescribed may at the time of making such an application if he or she so desires also make an application for a fishing license as is prescribed by law and the county clerk shall issue both hunters license and fishing license for the sum of one dollar and fifty cents (\$1.50), the county clerk fee to be 15 cents for each license issued. Nothing herein contained shall be construed as repealing the present law requiring every hunter to obtain the written permission of the landowner to hunt on his premises.

By Mr. Tapp:

H. B. 36. An Act to repeal Section 1893d-1, 1893d-2, 1893d-3, 1893d-4, 1893d-5, 1893d-6 and 1893d-7, Kentucky Statutes, Carroll's 1930 Edition, and Sections 1 and 2 of Chapter 55 of the Acts of the General Assembly of 1930, relating to fishing license.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 1893d-1 to 1893d-7, Kentucky Statutes, Car-

roll's 1930 Edition, and Sections 1 and 2 of Chapter 55 of the Acts of the General Assembly of 1930, relating to fishing license, be and they are hereby repealed.

Ordered that said bills be referred.

Mr. Garnett, of the Committee heretofore appointed to draft suitable resolutions on the death of The Hon. W. B. O'Connell, offered the following resolution, viz.:

Resolution memorializing the death of The Honorable William B. O'Connell, Clerk of the Court of Appeals.

Whereas, Honorable William B. O'Connell did, on January 7, 1936, end his earthly labors and pass to his reward into that temple not made with hands, and

Whereas, he had rendered to the State of Kentucky invaluable service in fulfilling the duty and trust placed in him, and

Whereas, the people of the State of Kentucky and his fellow officials feel a deep loss in his untimely death:

Be it Therefore Resolved by the House of Representatives, That we, the said House, do regret and mourn the death of the Honorable William B. O'Connell; that this resolution be spread upon the Journal of the House, and a copy thereof transmitted to his family.

Said resolution was unanimously adopted.

Mr. Myers offered the following resolution, viz.:

Be It Resolved by the House of Representatives, That the State Librarian retain in her possession the 10 copies of the Journal of every session of the Kentucky Legislature and 10 copies of the Kentucky Statutes, holding them for the use and benefit of the members of this House and accessible to them and to be removed by them for a period not exceeding 2 days at any one time, the member so removing to be charged therewith and for the value thereof until returned.

Be It Further Resolved, That the other two copies of the 1930 Edition, belonging to the House, together with the supplements thereof, be delivered by the State Librarian to the Chief Clerk on the Clerk's desk during the session, accessible to the use of the members when in session in the House Chamber.

Said resolution was adopted.

The Chief Clerk produced and read before the House the following communication, viz.:

Hon. John Kirtley, Speaker
House of Representatives,
State Capitol Bldg.,
Frankfort, Kentucky.

Dear Sir:

Dr. M. F. Ham, the leading evangelist of America, will hold a special service Sunday night, 7:00 o'clock, at this church, which will be of interest to State officials, legislators and lawyers. The subject of his message will be "The Trial and Rejection of Jesus from a Legislator's and Lawyer's Standpoint."

You and the members and employees of the House are cordially invited to be present. A reserved section will be provided for you. We want to welcome the Legislature in our midst.

Cordially yours,

Ross E. Dillon.
Pastor, First Baptist Church,
Frankfort.

Dr. Shields moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 9, 1936.

The House was opened with prayer by the Reverend Hampton Adams of the Christian Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

F. T. Allen	Eugene Gough	Rodes K. Myers
Henry H. Allen	Ben Grogan	J. C. Nickell
C. W. Anderson, Jr.	Jas. T. Hamilton	Russell O'Neill
H. T. Baker	C. L. Hammons	Mel Petry
W. T. Baker	W. L. Hampton, Jr.	A. W. Pfeiffer
G. M. Ballard	Thomas W. Hines	J. C. Ramey
B. F. Bedford	Price Holbrook	Hobart Rayburn
Reuben J. Boling	Clyde S. Howard	Harry C. Records
Douglas Bolling	Ira W. Hulette	L. K. Rice
Ollie J. Bowen	John M. Hunnicut	Wade H. Riley
Wallace Brown	J. T. Jennings	Joe E. Robinson
Dr. R. A. Byers	Ben W. Johnson	John C. Robinson
Jas. C. Carter	J. H. Jones	W. T. Rollo
V. O. Chandler	O. C. Jones	Carl Scheben
Floyd Clark	R. T. Kirkman	Carl Schneider
Roscoe Claxon	John Kirtley	Ray O. Shehan
George S. Clay	J. F. Ladd	Dr. B. F. Shields
J. A. Coleman	Leslie Larrimore	P. L. Sidebottom
Roy Conway	Robert E. Lee	Chester D. Silvers
Herbert Cook	M. T. McCarthy	Bruce Sloan
Harry Davis	T. B. McConnell	H. C. Steely
Sam Dever	J. L. McDermott	Henry Stewart
George W. Dunlap	Lloyd MacDonald	Dr. H. S. Swope
Howard G. Early	W. F. McGary	W. R. Tapp
Garland Embry	Elmer McGlothen	R. Van Bever, Jr.
Walter R. Fannin	D. T. Matlack	S. J. Wagner
Chas. P. Farnsley	Duke Mayfield	Joseph L. Wall
T. P. Fitzpatrick	G. S. Milam	Henry Ward
H. Myer Garner	W. H. Miller	L. R. Wells
G. W. Garrett	John B. Mollett	W. G. Williams
James Garnett, Jr.	W. E. Mull	Charles Wylie
Ferd A. Gnau	Tyler Munford	

Dr. Shields moved that the House do now recess until twelve o'clock Meridian, for the purpose of attending the funeral of The Honorable W. B. O'Connell.

Said motion was agreed to.

And then the House recessed.

AFTERNOON SESSION

The hour of twelve o'clock Meridian having arrived, the Speaker resumed the Chair and called the House to order.

Dr. Shields moved that the Rules of this House be suspended and that the Clerk call the names of the absentees on the morning roll call.

Said motion was agreed to.

Thereupon the Clerk called the names of the members who were absent during the morning roll call, who answered to their names.

Ordered that Mr. Ross be granted a leave of absence for to-day.

Mr. Hammons moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Dr. Shields moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

Mr. Garnett offered the following resolution, viz.:

Be It Resolved by the House of Representatives, That the following members of the House be appointed by the Speaker to read, study and compare the 1936 rules with 1934 rules and 1932 rules and to report to the House what, if any are any objectionable changes or additions: Stanley Dickson, Dr. Shields, John Hunnicutt, Ben Grogan, Sam Milam, Rodes K. Myers, Claude Hammons, Reuben J. Boling, Ray Sheehan.

Be It Further Resolved, That for the purpose of making said study, That the House recess for one hour and upon reconvening said report shall be made to the House. The Chief Clerk shall forthwith deliver the copy of said rules.

Mr. McCarthy moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said resolution was then adopted.

The Speaker then appointed the members aforesaid as members constituting said Committee.

Mr. Schneider offered the following resolution, viz.:

Whereas, there is now pending in the House of Representatives Bill No. 2, introduced by the Hon. Clarence Evans of Simpson County, which provides for the repeal of the three percent Gross Receipts Tax Law, or the Sales Tax Act; and,

Whereas, there is also pending in the State Senate a similar bill which was introduced by the Hon. J. E. Wise, of Hardin County, and known as Senate Bill No. 2; and,

Whereas, the House bill was referred to Kentucky Statutes Committee No. 1, which reported the bill on Wednesday, January 8th, with the expression of opinion that same ought to pass; and,

Whereas, the Senate bill was referred to the Committee on Revenue and Taxation, and this committee reported the bill on the same date with the expression of opinion that it ought to pass; and,

Whereas, both bills are now in the calendar and will be in the Orders of the Day, and ready for passage on Friday; and,

Whereas, it has been rumored that there was a possibility that either the Senate or House bill would be substituted for the other on Friday, and the measure passed and sent to the Governor for his approval some time Friday evening; and,

Whereas, it is the earnest and sincere desire of the House that there be no question as to the validity and the constitutionality of this act in the event that either House Bill No. 2 or Senate Bill No. 2 is substituted in either the Senate or the House; and,

Whereas, it is also rumored that the Senate bill will be passed or chosen for passage in preference to the House bill, the final records thereby showing, after the bill has been passed, signed by the Governor, and then an Act of this General Assembly, that it originated in the Senate rather than in the House; and,

Whereas, our State Constitution specifically says that every bill before becoming a law must have three readings in each branch of the Assembly on three separate days; and,

Whereas, our Constitution also says that all Revenue measures must originate in the House of Representatives, Therefore,

Be It Resolved by the House of Representatives, That the Speaker of the House is hereby empowered and directed to name a Committee of three members of this House, for the purpose of conferring with the Attorney General and his Assistants, relative to the constitutionality of this proposed act, if passed and substituted in either the House and Senate on Friday, and approved by the Governor on the same day; and,

Be It Further Resolved, That the Committee also secure an opinion from the Attorney General and his Assistants as to the validity of such a measure originating in the State Senate when it repeals a revenue measure (The Gross Receipts Tax Act or the Sales Tax Act) which was passed at a Special Session of the Legislature in 1934; and,

Be It Still Further Resolved, That the committee obtain a written opinion from the Attorney General and his Assistants on these two subjects, to be presented and read in open session in the House on Friday, before either the House or Senate bill is considered for passage.

By unanimous consent said resolution was withdrawn by Mr. Schneider.

The Speaker announced that he had referred bills which were introduced on yesterday and on January 7, as follows:

H. B. 11. To Committee on Kentucky Statutes No. 1.

H. B. 12. To Committee on Kentucky Statutes No. 1.

H. B. 17. To Committee on Kentucky Statutes No. 1.

H. B. 18. To Committee on Kentucky Statutes No. 1.

H. B. 19. To Committee on Kentucky Statutes No. 1.

H. B. 20. To Committee on Kentucky Statutes No. 1.

H. B. 30. To Committee on Kentucky Statutes No. 1.

The Chief Clerk of the House announced that he had received notices of contest in the case of Samuel I. Speevack vs. Charles W. Anderson and C. Eubank Tucker from the 58th Legislative District, County of Jefferson,

Dr. Shields moved that seven members be selected in accordance with the requirements of the Constitution and Statutes of Kentucky, to determine the contest in said case and to make a report to this House and that the Chief Clerk be directed to proceed with the selection of said Committee, in conjunction with the Speaker of this House.

Said motion was agreed to.

The Speaker then announced that the House would proceed according to law and pursuant to the provisions of the motion above set out to select by lot seven members to constitute a Board to determine the contests to the right to a seat in this House in the case aforesaid.

The names of the members with the exception of the contestee, were written on separate pieces of paper, rolled and placed in a box by the Clerk, in the manner provided by law, who, after the same had been well shaken, drew the names of seven members of the House therefrom separately, which were opened and read aloud by the Speaker of the House, viz.:

Messrs. Johnson, McCarthy, Howard, Hamilton, Schneider, Grogan, Stewart.

Whom the Speaker declared members of said Board.

Thereupon the members of said Board aforesaid, appeared before the bar of the House where oath of office was administered by the Chief Clerk.

Ordered that the Chief Clerk deliver all papers and documents in said case to the Contest Committee.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, and ordered printed, viz.:

By Mr. Rice:

H. B. 37. An Act to amend and reenact Section 4527-31, Carroll's Kentucky Statutes, 1934 Supplement, providing for scholarships and educational privileges for World War Veterans.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4527-31, Carroll's Kentucky Statutes, 1934 Supplement, providing for scholarships and educational privileges for World War Veterans, be amended and re-enacted, so that when so amended and re-enacted said section will read as follows:

"Every person who was engaged in the military or naval service of the United States of America during the war with Germany and her allies, which war was declared April 6, 1917, and who (was) at the time of his enlistment a resident of the Commonwealth of Kentucky, shall be entitled to a free scholarship in either the University of Kentucky, Eastern Kentucky State Teachers College, Western Kentucky State Teachers College, Murray State Teachers College, Morehead State Teachers College, the Kentucky State Industrial College, and the West Kentucky Industrial College, as he or she may choose for a period required for the completion of the course of study selected by such person. Said scholarship shall include free tuition, matriculation and other fees, room rent, fuel and lights, and the advantages and privileges of the University or either of said normal schools; and it shall further include books, stationery, and other equipment which may be necessary in doing research work; but same does not include free board."

By Mr. Hines:

H. B. 38. An Act to invest in the County Judge the right

to suspend a sentence against any one convicted for misdemeanor for not exceeding a term of six months in the county jail.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That in prosecution for crime, in the circuit court, quarterly, and justice courts of this state where the defendant is a male person and has been found guilty and given a work sentence and he fails to pay or replevy same and has been committed to jail. The County Judge may suspend said sentence not exceeding six months. Whenever in the opinion of the court the sentence should be no longer suspended, the court may issue a notice to the defendant to return to and submit himself to the jailer and in the event he fails or refuses the court may cause capias pro fine to be issued thereon, and may fine him for contempt.

By Mr. Grogan:

H. B. 39. An Act to amend and re-enact Sections 1, 2, and 19 of an Act entitled, "An Act to authorize Cities of the second, third, and fourth classes to acquire waterworks and to issue bonds, therefor, payable from the revenues of such works," Being Chapter 133 of the Acts of the General Assembly of 1926, and to amend and re-enact the amendment to said Sections 1, 2, and 19 of said Act which amendment extended the provisions thereof to include the acquisition of sewerage systems within said Cities, which amendment is Chapter 109 of the Acts of the General Assembly of 1932, and extending the provisions of said original Act and amendment to Cities of the fifth and sixth classes, declaring an emergency to exist, and repealing all conflicting laws.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 1, 2, and 19 of An Act entitled "An Act to authorize cities of the second, third and fourth classes to acquire water works and to issue bonds therefor, payable from the revenues for such works", being Chapter 133 of the Acts of the General Assembly of 1926, and the amendment to said Sections 1, 2 and 19 of said Act which amendment extended the provisions of the original act to include the acquisition of sewerage systems within said cities, which amendment is Chapter 109 of the Acts of the General Assembly of 1932, be and the same is hereby amended and re-enacted so that the same as amended and re-enacted shall read as follows, to-wit:

Section 1. That cities of the second, third, fourth, fifth, and sixth classes whether under the general la wor special charter law, and including such cities where the commission form of government has been adopted, are hereby authorized and empowered to purchase, establish, erect, maintain and operate water works and/or sewerage system, and necessary appurtenances thereto, within or without the corporate limits under the provisions of this Act, for the purpose of supplying such city or town and inhabitants thereof with water and/or sewerage system.

Section 2. For the purpose of defraying the cost of acquiring any such water works and/or sewerage system, either by purchase or construction, and appurtenances or extensions thereto, such city may borrow money and issue negotiable bonds, provided no such bonds shall be issued unless and until authorized by an ordinance specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest such bonds are to bear, which shall not be more than six per cent (6%) per annum.

Section 19. This act shall be deemed to create an additional and alternate method for the acquisition of water works and/or sewerage system by any city of the second, third,

fourth, fifth and sixth classes, and shall not be deemed to include, alter, amend or repeal any other statute, except such as conflict herewith. No proceedings shall be required for the acquisition of any water works hereunder or the acquisition of any sewerage system, or the issuance of bonds hereunder except such as are prescribed by this act, any provision in the General Laws of the Commonwealth of Kentucky or charter of any city to the contrary notwithstanding. All the powers heretofore vested in cities of the second, third and fourth classes relative to the acquisition of water works and the issuance of bonds therefor, as provided in Chapter 133 of the Acts of the General Assembly of 1926, and as amended by Chapter 109 of the Acts of 1932 extending the provisions of said original act to the acquisition of sewerage system in said cities are hereby extended in full to cities of the fifth and sixth classes.

Whereas, many of the cities to which this act is applicable are now without adequate water works or sewerage facilities, thus endangering the health, safety, and convenience of the inhabitants thereof, and whereas, some of the cities are unable to procure loans from the Federal Government until this Act becomes a law, therefore, an emergency is declared to exist and this Act shall take effect, immediately upon its passage and approval by the Governor.

All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

By Mr. McDermott:

H. B. 40. An Act providing that Building Associations making loans with real estate mortgages as security shall have a Registered Architect as a member of the Board or Committee on Appraisals and, providing a penalty for violation, and stipulating the maximum fees to be paid such Registered Architects and, to repeal all conflicting laws.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Building and Loan Associations having their place of business in counties with more than fifty thousand population and whose business consists either wholly or in part of loaning money with real estate mortgages as security, shall always have as one member of the committee or board which evaluates and/or appraises the real estate which is offered as security for a loan, a person who is properly qualified as a Registered Architect under the laws of this Commonwealth, and no loan shall be made and/or no real estate accepted as security without the evaluation or appraisal of a Registered Architect being in the hands of the officers of the loaning institution.

§ 2. Every violation of, or failure to comply with, the provisions of this act shall subject the corporation or persons so offending to a fine of not less than twenty-five dollars nor more than one hundred dollars recoverable in any court of competent jurisdiction.

§ 3. Registered Architects engaged to make evaluations and/or appraisals of real estate in conformity with the intent of this act shall be paid a fee not to exceed ten dollars for each individual piece of real estate evaluated and/or appraised.

By same:

H. B. 41. An Act providing for the appointment of an Ohio River Pollution Commission and detailing its functions and appropriating funds for its purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor shall appoint a commission consisting of five persons residing in counties bordering the Ohio River and the said commission shall elect a Chairman.

§ 2. This commission shall be known as the Ohio River Pollution Commission and the chairman shall arrange meetings for the commission with representatives from adjoining states, the Federal Government and others and the commission shall make or cause to be made such studies, surveys and investigations as will enable the commission to present pertinent facts and data to the next session of the General Assembly as will enable that body to consider legislation for the elimination of the present pollution of the Ohio river.

§ 3. That the sum of five thousand dollars shall be appropriated from the general fund of the Commonwealth and these funds shall be used in the discretion of the Commission for the purposes intended in this Act, but shall not be used for salaries for members of the Commission who shall serve without compensation.

By same:

H. B. 42. An Act authorizing and empowering the State Park Commission to acquire lands, equipment and facilities for park and recreational purposes; and to issue bonds for funds to acquire same; bonds to be payable from revenues; and to operate such parks and facilities and prescribing rules; and to repeal all conflicting laws.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Park Commission is hereby authorized and empowered to acquire lands by purchase, lease, rentals or otherwise on which to locate and operate state parks and such facilities, equipment and devices as may be advantageous thereon; and to acquire by purchase, lease, rental and/or to build or otherwise place, create and procure equipment, facilities, devices and conveniences in state parks and to operate same for the enjoyment, recreation, education

and convenience of the general public and to levy and collect fees for the use of state parks, their facilities, equipment, devices and conveniences.

§ 2. To defray the costs of acquiring the land, facilities, devices, equipment and conveniences mentioned in Section One (1) of this act and to fix all such in condition for proper use the State Park Commission may issue or cause to be issued negotiable bonds, provided that such bonds, including interest and maturity payments, shall be payable from the revenues accruing from the operations of the parks, facilities, devices, equipment and conveniences, and such bonds shall not bear interest in excess of six per centum per annum and provided that each issue of such revenue bonds shall be designated for one individual park and the proceeds from each bond issue shall be expended only for and in the park designated and the revenue from each individual park for which bonds have been issued shall only be used for the costs of operation, maintenance and extensions within that park and the payment of interest and maturities of the bonds issued for that park.

§ 3. That the State Park Commission shall adopt rules and regulations as may be necessary and/or advantageous for the operation, maintenance and use of such state parks and such rules and regulations shall fix fees and charges for the use of the parks, facilities, devices, equipment and conveniences as will produce sufficient revenue annually to pay the interest accrued on bonds and in addition an annual proportionate sum which will equal the maturity payments on bonds when bonds mature and, such other costs or charges for operations, maintenance or other items as may be required and, such rules and regulations shall include the setting up of an accounting system to show the exact receipts and expenditures of each state park separately and each facility, device, equipment, or convenience in each state park separately and, provide for setting aside and sacredly keeping a sufficient por-

tion of the revenues in each year to pay the accrued interest on bonds and an annually proportionate sum which will equal the maturity payments of bonds when due.

§ 4. The State Park Commission is hereby authorized to exercise the right of eminent domain in securing and acquiring lands upon which to establish state parks, and to prosecute condemnation proceedings in accordance with laws already established.

§ 5. All laws or parts of laws in conflict with this act are hereby repealed to the extent of such conflict.

By Mr. Riley:

H. B. 43. An Act to amend Section 4114b-1, and also to amend Section 4114b-2 being part of Chapter Ten of the Acts of The General Assembly of 1923, all relating to the notices of daily sales sold by tobacco warehouses and declaring an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4814b-1, being part of Chapter Ten of the Acts of the General Assembly of 1924, known as a Tobacco Warehouse Notice of Daily Sales, be amended by striking hereby amended by striking therefrom the following:

“It shall further be the duty of said warehouseman, prior to any such sale, to post at a point in the office of said warehouse, convenient and accessible for public inspection, a typewritten or printed list showing the true name and post office address of the owner and producer and the number of pounds of tobacco of each person, firm or corporation whose tobacco will that day be offered for sale in said warehouse.”

§ 2. That Section 4814b-2, being part of Chapter Ten of the Acts of the General Assembly of 1924, known as To-

bacco Warehouse Notice of Daily Sales; be amended by striking therefrom the following:

“To post said list of tobacco to be that day sold, not less than thirty minutes prior to sale of tobacco of any owner or producer.”

§ 3. Whereas, the tobacco growers of the State of Kentucky are now marketing their tobacco, and whereas the Sections proposed to be amended as set out herein impose on the warehouseman a duty to perform which is impossible, because of the fact that up to, and even during the sales, farmers tobaccos are being placed on the floor for sale on such day, or days, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

By Mr. Silvers:

H. B. 44. An Act repealing Chapter 20 of the Acts of the Extraordinary Session of the General Assembly of 1934, defining motor vehicles classed as trucks, providing for registration fees of such motor vehicles and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 20 of the Acts of the Extraordinary Session of the General Assembly of 1934 be repealed, amended and reenacted so that when said Act is reenacted it shall read as follows:

That all motor vehicles, excluding such as are mentioned in subsection c of Section 2739g-2, Carroll's Kentucky Statutes, 1930 Edition, and excluding motor vehicles engaged in hauling passengers for hire, are classified as trucks and the annual registration fee shall be as follows:

Those having a capacity of one thousand pounds or less,

ten (\$10.00) dollars; those having a capacity of more than one thousand pounds and up to two thousand pounds, twenty-two (\$22.00) dollars; those having a capacity of more than two thousand pounds and up to three thousand pounds, forty (\$40.00) dollars; those having a capacity of more than three thousand pounds and up to four thousand pounds, fifty-two (\$52.00) dollars; those having a capacity of more than four thousand pounds and up to five thousand pounds, sixty-three (\$63.00) dollars; those having a capacity of more than five thousand pounds and up to six thousand pounds, seventy-one (\$71.00) dollars; those having a capacity of more than six thousand pounds and up to seven thousand pounds, ninety-three (\$93.00) dollars; those having a capacity of more than seven thousand pounds and up to eight thousand pounds, one hundred and twelve (\$112.00) dollars; those having a capacity of more than eight thousand pounds, and up to nine thousand pounds, one hundred and thirty-eight (\$138.00) dollars; those having a capacity of more than nine thousand pounds and up to ten thousand pounds, one hundred and eighty-seven (\$187.00) dollars; those having a capacity of more than ten thousand pounds, two hundred and thirty (\$230.00) dollars; and twenty-five (\$25.00) dollars for each additional ton or fraction of a ton in excess of ten thousand pounds. The applicant for license for a motor truck shall state in his application the capacity of the truck.

§ 2. The registration fees as provided herein, the issuance of receipts, duplicates, tags, and the transfer of such receipts and tags, and the accounting for fees, and all other things required to be done in connection with the same, shall be done as, and at the time and in the manner as is now or may hereafter be provided by law. One-half of all moneys raised by this tax shall be evenly distributed among the one hundred and twenty counties, one two hundred and fortieth ($\frac{1}{240}$) of all truck licenses going to each of the counties, for the county road funds.

§ 3. Whereas the people of Kentucky have expressed

themselves as predominantly in favor of the repeal of the "gross receipts Act of 1934" and whereas Chapter 20 of the Acts of the Extraordinary Session of the General Assembly of 1934 was enacted by reason of the enactment of the said gross receipts act of 1934 and whereas said gross receipts act and Chapter 20 of the Acts of the Extraordinary Session of 1934 constitutes an unfair and unreasonable burden on certain classes of taxpayers, an emergency is hereby declared to exist and this act shall become effective immediately upon its passage and approval by the Governor.

By same:

H. B. 45. An Act repealing Chapter 19 of the Acts of the Extraordinary Session of the General Assembly of 1934 pertaining to passenger automobiles and providing for registration fees of such motor vehicles and amending and reenacting same and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 19 of the Acts of the Extraordinary Session of the General Assembly of 1934 be repealed, amended and reenacted so that when said act is reenacted it shall read as follows:

Automobiles primarily designed for carrying passengers and having provisions for not more than seven passengers, including the operator, shall be classed as passenger automobiles and the annual registration fees for same shall be as follows:

For each passenger car having less than 22 horsepower, Six Dollars (\$6.00); for each such car having 22 horsepower and less than 32 horsepower, Seven Dollars and Twenty Cents (\$7.20); for each such car having 32 horsepower or more, Twelve Dollars (\$12.00); and "horsepower" within the mean-

ing of this act shall be calculated on the rating fixed by the Society of Automobile Engineers.

§ 2. The registration fee for each motorcycle shall be Three Dollars (\$3.00), and for each sidecar attached thereto, One Dollar and Fifty Cents (\$1.50).

§ 3. Whereas the people of Kentucky have expressed themselves as predominantly in favor of the repeal of the "gross receipts Act of 1934" and whereas Chapter 19 of the Acts of the Extraordinary Session of the General Assembly of 1934 was enacted by reason of the enactment of the said gross receipts Act of 1934 and whereas said gross receipts Act and Chapter 19 of the Acts of the Extraordinary Session of 1934 constitutes an unfair and unreasonable burden on certain classes of taxpayers, an emergency is hereby declared to exist and this act shall become effective immediately upon its passage and approval by the Governor.

By same:

H. B. 46. A bill to promote safe driving and to remove the reckless and financially irresponsible from the highway.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

DEFINITIONS

§ 1. The following words, as used in this Act, shall have the following meanings:

(a) Commissioner.—Shall mean the Commissioner of Motor Transportation of this State or other officer in charge of the issuance of motor vehicle operators' licenses, chauffeurs' licenses, and registration certificates.

(b) Person.—Every natural person, firm, copartnership, association, or corporation.

(c) Operator.—Every person, other than a chauffeur,

who is in actual physical control of a motor vehicle upon a highway.

(d) *Chauffeur*.—Every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

(e) *Owner*.—A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

(f) *Nonresident*.—Every person who is not a resident of this State.

(g) *Motor Vehicle*.—Every vehicle propelled by an internal-combustion engine or by electricity or steam, except traction engines, road rollers, and vehicles propelled only upon rails and tracks.

(h) *Highway*.—The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(i) *State*.—Any State of the United States, the District of Columbia, or any province of the Dominion of Canada.

§ 2. This Act shall in no respect be considered as a repeal of any of the provisions of the State Motor Vehicle Code or Laws, but shall be construed as supplemental thereto.

SUSPENSION OF OPERATOR'S LICENSE AND REGISTRATION CERTIFICATE FOR CERTAIN OFFENSES

§ 3. (a) The motor vehicle operator's license, chauffeur's license, and all of the registration certificates of any person shall be suspended forthwith without notice or hearing

by the Commissioner whenever such person shall by final order or judgment have been convicted of or shall have pleaded guilty to or shall have forfeited any bail or collateral deposited to secure his appearance for trial as defendant (where such forfeiture shall not have been vacated) for any offense hereafter committed which requires suspension or revocation of the licenses of such person in this State, or any offense in any other State which, if committed in this State, would require suspension or revocation of the licenses of such person in this State.

PROOF OF ABILITY TO RESPOND IN DAMAGES CONDITION PRECEDENT TO FUTURE LICENSING OR REGISTRATION

(b) Such operator's license, chauffeur's license and registration certificates shall remain suspended and shall not at any time thereafter be renewed, nor shall any such license be thereafter issued to such person [including any such person not previously licensed who shall by final order or judgment have been convicted of, pleaded guilty to or forfeited any bail or collateral deposited to secure his appearance for trial (where such forfeiture shall not have been vacated), for any such offense or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon the highways], nor shall any motor vehicle be thereafter registered in the name of such person until he shall have given proof of his ability to respond in damages for any liability thereafter incurred, resulting from the ownership, maintenance, use or operation thereafter of a motor vehicle, for bodily injury to or death of any one person in the amount of at least \$5,000, and, subject to the aforesaid limit for any one person injured or killed, of at least \$10,000 for bodily injury to or death of two or more persons in any one accident, and for damage to property in the amount of at least \$1,000 resulting from any one accident. Such proof in said amounts shall be furnished for each motor vehicle registered by such person.

APPLICABLE TO NON-RESIDENTS

(c) If such person shall not be a resident of this State, he shall not operate any motor vehicle in this State nor shall any motor vehicle owned by him be operated within this State by any person, and no operator's or chauffeur's license shall be issued to such person and no motor vehicle shall be registered in his name until he shall have given proof of his ability to respond in damages as herein required.

CERTIFIED COPIES OF COURT RECORDS TO BE FURNISHED

(d) It shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment or order is rendered or other such action taken to forward immediately to the Commissioner a certified copy of such judgment, order or record of other action of the court which shall be *prima facie* evidence of the conviction, plea or other action therein stated. In the event that the person so shown to have been convicted, pleaded guilty or forfeited bail or securities appears to be a non-resident of this State, the Commissioner shall transmit a certified copy of the judgment to the official in charge of the issuance of operator's licenses and registration certificates of the State of which the defendant is a resident.

OPERATOR OR CHAUFFEUR RELIEVED OF NECESSITY OF GIVING PROOF IN OWN BEHALF UNDER CERTAIN CONDITIONS

(e) If it shall be duly established to the satisfaction of the Commissioner (1) that any person, whether a resident or non-resident of, this State, who shall have been convicted, pleaded guilty or forfeited bail or securities, as aforesaid, was, upon the occasion of the offense upon which such conviction, plea or forfeiture was based, a chauffeur or motor vehicle operator, however designated, in the employ of an owner of a motor vehicle or a member of the immediate family or household of an owner of a motor vehicle, and (2) that there was not, at the

time of such offense any motor vehicle registered in this State, (or if a non-resident, in the State of his residence) in the name of the person who has been convicted, pleaded guilty or forfeited bail or collateral, as aforesaid, then and in that event, if the person in whose name such motor vehicle is registered shall give proof of ability to respond in damages according to the provisions of this Act, which proof the Commissioner shall accept, such chauffeur or other person, as aforesaid, shall be relieved of the necessity of giving such proof in his own behalf so long as such chauffeur or other person is operating a motor vehicle for which the owner has given proof of his ability to respond in damages.

SUSPENSION OF OPERATOR'S LICENSE AND REGISTRATION CERTIFICATE UPON FAILURE TO SATISFY JUDGMENT

§ 4. (a) The operator's license, chauffeur's license, and all of the registration certificates of any person shall (except as provided in Section 5) be forthwith suspended by the Commissioner upon receiving from the court in which rendered a certificate, in the form prescribed by the Commissioner, showing that such person failed to satisfy within thirty (30) days any judgment which shall have become final by expiration without appeal within the time in which appeal might have been perfected or by final affirmance on appeal, rendered against him by a court of competent jurisdiction in this State or in any other State, or in any District Court of the United States, for damages on account of bodily injury, including death, or damage to property resulting from the ownership, maintenance, use or operation hereafter of a motor vehicle.

SATISFACTION OF JUDGMENT AND PROOF OF ABILITY TO RESPOND IN DAMAGES CONDITION PRECEDENT TO FUTURE LICENSING OR REGISTRATION

(b) Such operator's license, chauffeur's license, and registration certificates shall (except as provided in Section 5)

remain so suspended and shall not be renewed, or shall any such license be issued to such person nor shall any motor vehicle be thereafter registered in the name of such person (including any such person not previously licensed) while any such judgment remains unstayed, unsatisfied and subsisting nor until every such judgment is satisfied or discharged, except that a discharge in bankruptcy shall not be deemed a satisfaction of such judgment, and until the said person gives proof of his ability to respond in damages as required in Section 3 of this Act, for future accidents. If after such proof has been given, any other such judgment shall be recovered against such person resulting from an event occurring before such proof was given but after this Act shall take effect, such licenses and certificates shall again be and remain suspended, and no other such license or certificates shall be issued to such person while any such judgment remains unsatisfied and subsisting, as aforesaid.

APPLICABLE TO NON-RESIDENTS

(c) If such person who has failed to satisfy within thirty (30) days any final judgment, as aforesaid, shall not be a resident of this State, he shall not operate any motor vehicle in this State, nor shall any motor vehicle owned by him be operated in this State by any person, nor shall any operator's or chauffeur's license be issued to such person or any motor vehicle registered in his name, until every such judgment shall be stayed, satisfied or discharged as herein provided, and until such person shall have given proof of his ability to respond in damages for future accidents as required in Section 3 of this Act.

CERTIFIED COPIES OF JUDGMENT TO BE FURNISHED

(d) It shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered, to forward to the Commissioner imme-

diately after the expiration of said thirty (30) days, a certified copy of such judgment. If the defendant is a non-resident, it shall be the duty of the Commissioner to transmit a certified copy of the judgment to the official in charge of the issuance of operator's licenses and registration certificates of the State of which the defendant is a resident.

PAYMENTS SUFFICIENT TO SATISFY REQUIREMENTS OF ACT

(e) Provided, however, anything in this Act to the contrary notwithstanding, that

(1) When \$5,000 has been credited upon any judgment or judgments rendered in excess of that amount for or on account of bodily injury to or the death of one person as the result of any one accident; or

(2) When, subject to the limit of \$5,000 for any one person so injured or killed, the sum of \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount for or on account of bodily injury to or the death of more than one person as the result of any one accident; or

(3) When \$1,000 has been credited upon any judgment or judgments rendered in excess of that amount for damage to property as the result of any one accident; resulting from the ownership, maintenance, use or operation of a motor vehicle, credit for such amounts shall be deemed a satisfaction of such judgment or judgments for the purposes of this Section only.

LICENSE OR REGISTRATION MAY BE RESTORED UPON PAYMENT OF JUDGMENT IN INSTALLMENTS

§ 5. A judgment debtor to whom this Act applies may, for the sole purpose of giving authority to the Commissioner to authorize the judgment debtor to operate a motor vehicle thereafter, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying such judgment in installments, and the

court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order, fixing the amounts and times of payment of the installments. While the judgment debtor is not in default in payment of such installments, the Commissioner, upon his giving proof of ability to respond in damages for future accidents, as hereinbefore provided, may, in his discretion, restore or refrain from suspending his license and registration certificates; but such license and certificates shall be suspended as hereinbefore provided if and when the Commissioner is satisfied that the judgment debtor has failed to comply with the terms of the court order.

ESTABLISHMENT OF PROOF OF ABILITY TO RESPOND IN DAMAGES

§ 6. Proof of ability to respond in damages, when required under this Act, may be evidenced by any of the following:

CERTIFICATE OF INSURANCE CARRIER AS PROOF

(a) The written certificate or certificates of any insurance carrier duly authorized to do business within the State, that it has issued to or for the benefit of the person named therein a motor vehicle liability policy or policies in the form hereinafter prescribed, which, at the date of the certificate or certificates, is or are in full force and effect, and designating therein by explicit description or by other adequate reference, all motor vehicles to which the policy or policies apply. The Commissioner shall not accept any certificate or certificates unless the same shall specify the name, address, and business, if any, of the insured, the kind of insurance afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, nor unless the same shall cover all motor vehicles then registered in this State in the name of the person furnishing such proof. Additional certificates, as aforesaid, shall be required as a condition precedent to the registration of any additional motor vehicle or motor vehicles

in the name of such person required to furnish proof as aforesaid. Said certificate or certificates shall certify that the motor vehicle liability policies therein cited shall not be cancelled except as hereinafter provided, and that every motor vehicle liability policy therein cited complies with the requirements of this Act. The issuance of a certificate to serve as proof of ability to respond in damages under this Act shall be conclusive evidence that every motor vehicle liability policy therein cited fully conforms to all the requirements of this Act.

HOW A NON-RESIDENT CAN ESTABLISH PROOF OF ABILITY TO
RESPOND IN DAMAGES

(b) If such person be a non-resident, a certificate as aforesaid, of any insurance carrier authorized to transact business in the State in which the motor vehicle or motor vehicles described in such certificate is registered, or if none be described, then in the State in which the insured resides, shall be accepted if such carrier shall (1) execute a power of attorney authorizing the Commissioner to accept service of notice or process in any action arising out of a motor vehicle accident in this State, and (2) duly adopt a resolution providing that its policies shall be deemed to be varied to comply with the law of this State relating to the terms of motor vehicle liability policies issued therein, and (3) agree to accept as final and binding any final judgment duly rendered in any action arising out of a motor vehicle accident in any court of competent jurisdiction in this State. If any foreign insurance carrier which has qualified to furnish proof of ability to respond in damages as hereinbefore required defaults in any of said undertakings or agreements, the Commissioner shall not thereafter accept any certificate of said carrier, whether theretofore filed or thereafter tendered, as proof of ability to respond in damages so long as such default continues.

COMMISSIONER TO BE NOTIFIED OF CANCELLATION

(c) When an insurance carrier has certified a motor vehicle liability policy under this Act, it shall give 10 days' written notice to the Commissioner before cancellation of such policy and the policy shall continue in full force and effect until the date of cancellation specified in such notice, unless it expires before that date.

BOND AS PROOF

(d) The bond of a surety company, duly authorized to transact business within the State, or a bond, with at least two (2) individual sureties, each owning real estate within this State, which real estate shall be scheduled in the bond approved by a judge of a court of record which said bond shall be conditioned for payment of the amounts specified in Section 3 of this Act; and such bond shall be filed with the Commissioner and shall not be cancellable except after ten (10) days' written notice to the Commissioner. Such bond shall constitute a lien in favor of the State upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such proof on account of damage to property or injury to, including death of a person or persons resulting from the ownership, maintenance, use or operation hereafter of a motor vehicle, upon the filing of notice to that effect by the Commissioner in the office of the county clerk of the county where such real estate shall be located.

(1) The clerk shall record said bond or lien in a book to be kept for that purpose and styled, "Motor Vehicle Responsibility Liens" and shall receive for his services a fee of \$1.00 the same to be paid by the person furnishing said bond.

MONEY OR SECURITIES AS PROOF

(e) The certificate of the State Treasurer that the person named therein has desoposited with him a sum of money

or securities approved by him in the amounts as specified in Section 3 of this Act. The State Treasurer shall accept any such deposits and issue a certificate therefor, and the Commissioner shall accept such certificate if accompanied by evidence that there are no unsatisfied judgments against the depositor registered in the office of the county clerk of the county where the depositor resides.

WHEN COMMISSIONER MAY REQUIRE OTHER EVIDENCE

(f) Whenever any evidence of proof of ability to respond in damages filed under the provisions of this Act no longer fulfills the purposes for which required, the Commissioner shall, for the purpose of this Act, require other evidence of ability to respond in damages as required by this Act, and shall suspend the operator's license, chauffeur's license, and registration certificates, pending such proof.

RIGHTS OF A JUDGMENT CREDITOR AGAINST BOND, MONEY OR SECURITIES DEPOSITED WITH THE TREASURER

§ 7. A bond, money or securities filed or deposited by or on behalf of any person under the provisions of the preceding section, shall be held by the Commissioner or said Treasurer to satisfy, in accordance with the provisions of this Act, any execution issued against such person on a judgment for damages as aforesaid arising out of the ownership, maintenance, use or operation of a motor vehicle as aforesaid. Money or securities so deposited shall not be subject to attachment of execution unless such attachment or execution shall arise out of a suit for damages as aforesaid. If such a judgment rendered against the principal on the surety company or real estate individual bond given under the provisions of this Act shall not be satisfied within thirty (30) days after it has become final as hereinbefore provided, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the State against the com-

pany or persons executing such bond, including an action proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond.

FURNISHING OF OPERATOR'S RECORDS BY THE COMMISSIONER

§ 8. The Commissioner shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this Act, which abstract shall fully designate the motor vehicles (if any) registered in the name of such person, and if there shall be no record of any conviction of such person of violating any law relating to the operating of a motor vehicle or of any judgment rendered against such person, the Commissioner shall so certify and shall collect for each such certificate the sum of one dollar.

FURNISHING OF INFORMATION OF ABILITY TO RESPOND IN DAMAGES

§ 9. The Commissioner shall furnish any person who may have been injured in person or property by any motor vehicle, upon written request, with all information of record in his office pertaining to the evidence of the ability of any operator or owner of any motor vehicle to respond in damages. The records provided for in Sections 8 and 9 shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

LICENSE, REGISTRATION CERTIFICATE AND NUMBER PLATES TO BE RETURNED TO COMMISSIONER

§ 10. Any operator or any owner, whose operator's or chauffeur's license or certificate of registration shall have been suspended as herein provided, or whose policy of insurance or surety bond when same is required under this Act, shall have been canceled or terminated, or who shall neglect to furnish other evidence of ability to respond in damages

upon request of the Commissioner shall immediately return to the Commissioner his operator's or chauffeur's license, certificate of registration and the number plates issued thereunder. If any person shall wilfully fail to return to the Commissioner the operator's or chauffeur's license, certificate or certificates of registration and the number plates issued thereunder as provided herein, the Commissioner, the operator's or chauffeur's license, certificate or certificates of registration and the number plates issued thereunder as provided herein, the Commissioner shall forthwith direct any peace officer to secure possession thereof and to return the same to the office of the Commissioner. Any person wilfully failing to return such operator's or chauffeur's license or such certificate or certificates and number plates shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00), or imprisoned in the county jail for not to exceed ninety (90) days, and such penalty shall be in addition to any penalty imposed for any violation of the Motor Vehicle Laws of this State.

PERIOD DURING WHICH PROOF OF ABILITY TO RESPOND IN
DAMAGES MUST BE MAINTAINED

§ 11. The Commissioner shall upon request cancel any bond or return any certificate of insurance, or the Commissioner shall direct and the State Treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this Act as proof of ability to respond in damages, or waive the requirement of filing proof of ability to respond in damages in any of the following events:

(a) At any time after 3 years from the date such proof was required when during the 3-year period preceding the request the person furnishing such proof has not been convicted of any offense referred to in Section 2 of this Act; or

(b) In the event of the death of the person on whose be-

half such proof was filed, or the permanent incapacity of such person to operate a motor vehicle; or

(c) In the event the person who has given proof of financial responsibility surrenders his operator's or chauffeur's license, registration certificates, and registration plates to the Commissioner, but the Commissioner shall not release such proof in the event any action for damages upon a liability referred to in this Act is then pending or any judgment upon any such liability then outstanding and unsatisfied or in the event the Commissioner has received notice that such person has within the period of 3 months immediately preceding been involved as a driver in any motor vehicle accident. An affidavit of the applicant of the nonexistence of such facts shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

Whenever any person to whom proof has been surrendered, as provided in the foregoing paragraph, applies for an operator's or chauffeur's license or the registration of a motor vehicle within a period of 3 years from the date proof of ability to respond in damages was originally required any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such period.

(d) The Commissioner shall cancel any bond or return any certificate of insurance, or the Commissioner shall direct and the said Treasurer shall return any money or securities to the person entitled thereto, upon the acceptance and substitution of other adequate proof of ability to respond in damages pursuant to this Act.

PROHIBITING TRANSFER OF REGISTRATION TO DEFEAT PURPOSE OF THIS ACT

§ 12. If an owner's certificate of registration has been suspended under the provisions of this Act, such certificate shall not be transferred nor the motor vehicle in respect of which such certificate was issued, registered in another name, where the Commissioner has reasonable grounds to believe

that such transfer or registration is proposed for the purpose of this Act. Provided, however, that such transfer of registration shall be permitted upon the furnishing of proof of ability to respond in damages to the Commissioner by such transferee whenever the Commissioner shall deem it necessary in furtherance of the purposes of this Section.

ACT NOT APPLICABLE TO CERTAIN POLICIES OF AUTOMOBILE INSURANCE

§ 13. Nothing in this Act contained shall be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this State, and such policies, if endorsed to conform to the requirements of this Act shall be accepted as proof of ability to respond in damages when required under this Act.

PENALTIES

§ 14. Any person who shall forge, or without authority sign any evidence of ability to respond in damages as required by the Commissioner in the administration of this Act and any person who shall violate any provisions of this Act for which no penalty is otherwise provided, shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or imprisoned not more than ninety (90) days or both.

OPERATING WITHOUT GIVING PROOF WHEN PROOF REQUIRED

§ 15. Any person whose operator's or chauffeur's license or registration card or other privilege to operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of a new license or registration is contingent upon the furnishing of proof of ability to respond in damages and who during such suspension or revocation or in the absence of full authorization from the Commissioner drives any motor vehicle upon any highway or knowingly

permits any motor vehicle owned by such person to be operated by another upon any highway except as permitted hereunder shall be punished by a fine of not more than \$500 or by imprisonment not exceeding 6 months or by both such fine and imprisonment.

RESTRICTIONS IN OPERATING MOTOR VEHICLES WHEN CERTAIN TYPE OF POLICY ISSUED

§ 16. (a) When a certificate is filed showing that a policy or policies have been issued covering all motor vehicles owned by the insured but not insuring such person when operating any motor vehicle not owned by him it shall be unlawful for such person to operate any motor vehicle not owned by him or not covered by such certificate. In such event the Commissioner shall designate the above restriction upon the operator's or chauffeur's license of such person.

(b) In the event the owner of a motor vehicle or motor vehicles desires to be relieved of the foregoing restriction and to be permitted to drive any other motor vehicle he may have such restrictions removed upon filing a certificate showing that there has been issued to him a policy of insurance insuring him as insured against liability imposed by law upon such insured for bodily injury to or death of any person or damage to property to the amounts and limits as provided under Section 17 of this Act with respect to any motor vehicle operated by him and which otherwise complies with the requirements of this Act with respect to such type of policy. Such policy is hereinafter referred to as an operator's policy.

(c) When the person required to give proof of ability to respond in damages is not the owner of a motor vehicle then an operator's policy of the type and coverage described in the preceding paragraph shall be sufficient under this Act.

MOTOR VEHICLE LIABILITY POLICY

§ 17. (a) A motor vehicle liability policy as said term is used in this Act shall mean a policy of liability insurance is-

sued by an insurance carrier authorized to transact business in this State to or for the benefit of the person named therein as insured which policy shall meet the following requirements:

1. Said policy shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby intended to be granted.

2. Said policy shall insure the person named therein and any other person using or responsible for the use of said motor vehicle or motor vehicles with the express or implied permission of said insured.

3. Said policy shall insure every said person on account of the maintenance, use or operation of said motor vehicle or motor vehicles within the continental limits of the United States or the Dominion of Canada against loss from the liability imposed by law arising from such maintenance, use or operation to the extent and aggregate amount, exclusive of interest and costs, with respect to each motor vehicle, of \$5,000 for bodily injury to or death of one person as a result of any one accident and, subject to said limit as to one person, the amount of \$10,000 for bodily injury to or death of all persons as a result of any one accident and the amount of \$1,000 for damage to property of others as a result of any one accident.

(b) When an operator's policy is required it shall insure the person named therein as insured against the liability imposed by law upon the insured for bodily injury to or death of any person or damage to property to the amounts and limits above set forth and growing out of the use or operation by the insured within the continental limits of the United States or the Dominion of Canada of any motor vehicle not owned by him.

(c) Any liability policy or policies issued hereunder need not cover any liability of the insured assumed by or imposed upon said insured under any workman's compensation

law nor any liability for damage to property in charge of the insured of the insured's employees.

(d) Any such policy may, however, grant any lawful coverage in excess of or in addition to the coverage herein specified or contain any agreements, provisions or stipulations not in conflict with the provisions of this Act and not otherwise contrary to law.

(e) Any motor vehicle liability which by endorsement contains the provisions required hereunder shall be sufficient proof of ability to respond in damages.

(f) The department may accept several policies of one or more such carriers which together meet the requirements of this Section.

(g) Any binder pending the issuance of any policy, which binder contains or by reference includes the provisions hereunder shall be sufficient proof of ability to respond in damages.

ADDITIONAL REQUISITES OF MOTOR VEHICLE LIABILITY POLICY

§ 18. No motor vehicle liability policy or operator's policy shall be accepted as proof of ability to respond in damages hereunder unless and until all of the following requirements of this Section shall be complied with.

(a) Any said form of policy shall specify the name, address and business, if any, of the insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability and shall contain an agreement that the insurance thereunder is provided in accordance with the coverage defined in this Act as respects bodily injury and death or property damage or both and is subject to all the provisions of this Act.

(b) Every motor vehicle liability policy and every operator's policy accepted as proof under this Act shall be subject to the following provisions whether or not contained therein.

1. The liability of the insurance carrier under any such policy shall become absolute whenever loss or damage covered

by such policy occurs and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or obligation of the carrier to make payment on account of such loss or damage.

2. The insurance carrier shall, however, have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in the policy.

3. No such policy shall be canceled or annulled as respects any loss or damage by any agreement between the carrier and the insured after the said insured has become responsible for such loss or damage and any such cancellation or annulment shall be void.

4. The policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits specified in this Act, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the pro-rating of the insurance thereunder with other applicable valid and collectible insurance.

5. The policy, the written application, therefor, if any, and any rider or endorsement which does not conflict with the provisions of this Act shall constitute the entire contract between the parties.

WHEN INSURANCE CARRIER TO ISSUE CERTIFICATE

§ 19. An insurance carrier who has issued a motor vehicle liability policy or policies or an operator's policy meeting the requirements of this Act shall upon request of the insured therein deliver to the insured for filing, or at the

request of the insured shall file direct with the Commissioner, an appropriate certificate showing that such policy or policies have been issued, which certificate shall meet the requirements of this Act.

§ 20. The Commissioner shall make rules and regulations necessary for the administration of this Act.

§ 21. Nothing herein shall be construed as preventing the plaintiff in any action at law from relying for security upon the other processes provided by law.

§ 22. If any part, subdivision or section of the Act shall be deemed unconstitutional, the validity of its remaining provisions shall not be affected thereby.

By Mr. Mayfield:

H. B. 47. An Act adding and establishing as part of the Primary System of the State Highways, a road commencing at the Mayfield and Wickliffe Highway at Lowes, Graves County, Kentucky, running thence in a southerly direction to Fancy Farm; thence in a southerly direction to Dublin, Kentucky; thence in a southerly direction to the Highway No. 58, near Crawford's store.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be added and there now is established as a part of the Primary System of Highways of the Commonwealth of Kentucky, a road commencing at the Mayfield and Wickliffe Highway at Lowes, Graves County, Kentucky, running thence in a southerly direction to Fancy Farm; thence in a southerly direction to Dublin, Kentucky; thence in a southerly direction to Highway No. 58, near Crawford's store. The distance is approximately twelve miles.

§ 2. That the road now established as a part of the Primary System of Highways of the Commonwealth of Ken-

tucky shall be entitled to all rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the Primary System.

By Mr. Shehan:

H. B. 48. An Act making it a felony to solicit, assess, or knowingly receive money from State or Federal Employee or Employees, for campaign or political purposes, defining the term "State or Federal Employee", and providing penalties for violation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, or persons, to solicit, assess or knowingly receive money from any State or Federal Employee, or Employees, for the purpose of using such money to promote the candidacy of any person or persons, or political party, or any cause to be voted upon by the voters of this State or any section or portion of same, in either a State, National, District, County, Municipal, or Precinct election; and any person or persons who shall solicit, assess or receive any money from a State or Federal Employee, or Employees, or shall cause same to be done, either for himself, or another, or any political party or question to be voted upon, at either a primary election, general election, or in securing delegates or in any manner where nominations are to be made by a Convention, shall be deemed guilty of a felony and shall, upon conviction, be punished by confinement in the State penitentiary not less than one year or more than five.

§ 2. The term "State or Federal Employee", as used herein means any person who holds any appointive office in any department of the State or Federal Government, and who receives wages or salary for their work from the funds

of the State of Kentucky or the United States and shall include all members of the State Highway Commission of Kentucky and all persons who are employed by the State Highway Commission of Kentucky in any capacity, and receive any compensation therefor.

§ 3. It shall be the duty of all Circuit Court Judges of the State of Kentucky to instruct the grand juries of their Courts regarding this Act each time that a Grand Jury is instructed.

§ 4. This Act shall become effective upon its passage and approval as required by law.

By same:

H. B. 49. An Act amending Section 68b-1 to and including 68b-37, Kentucky Statutes, Carroll's 1930 Edition and entitled, "An Act to promote and protect livestock industries in Kentucky"; providing for an election to be held in each County of Kentucky to determine whether or not said Act and Sections of said Statutes shall be enforceable in the particular Counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the petition of one hundred (100) legal voters in any County, filed in the County Court of such County, asking a submission of the question whether or not Section 68b-1 to and including 68b-37, Kentucky Statutes, Carroll's 1930 Edition, entitled "An Act to promote and protect livestock industries in Kentucky", shall be enforceable in such County, the County Court shall direct the Sheriff of such County and officers of elections in different precincts of such County, to open a poll at the next regular election held in such County and precincts, in not less than sixty days after the filing of such petition for

the purpose of ascertaining the will of the voters of such County, upon the question of whether or not they are in favor of enforcing the provisions of said Act and Section of the said Kentucky Statutes, in such County, and if a majority of the votes cast favor continuing the enforcement of the said Acts and Sections then same remain enforceable in said county, otherwise said Act and Sections will not be enforceable in such County; provided, however, that any such election shall not be held oftener than four (4) years from the time of the last such election.

§ 2. That no such election be held unless notice thereof be published at least twenty (20) and not more than thirty (30) days before the election in at least four issues of the paper in the County having the largest bona fide circulation; if there be no such paper in the County, or if it is impossible to have said notice printed in the time so prescribed by reasons of said paper not having four issues during said prescribed time, then notice will be given by posting notice thereof on the County Court House door or the bulletin board of the Court House in at least one public place in the precincts of the County within at least twenty days before the election.

§ 3. That the petition filed in the County Court shall be in the following language: "We, the undersigned citizens and qualified voters of County, Kentucky, hereby petition the County Court of our County, to have printed upon the Ballots at the next general election the question of whether or not the provisions of the Kentucky Statutes relating to payment of taxes on dogs shall be enforceable in this County." The notices of such election provided for herein shall be in the following language: "A petition having been filed with the County Court, signed by one hundred (100) citizens and qualified voters, asking that at the next regular election the question of whether or not the provisions of the Kentucky Statutes relating to taxes on dogs shall be enforceable in County; notice is hereby given that this ques-

tion will be submitted to the voters of this County, at the regular election held on the.....day of November, 19.....”

§ 4. That when an election is ordered as herein provided, the County Clerk shall have printed on the ballots for each precinct of such county the question, “Are you in favor of the enforcement of the provisions of the Kentucky Statutes in (here state County) requiring the payment of taxes on dogs?” A place will be provided for the voter to vote either “Yes” or “No.”

§ 5. That the poll of the election held under this law shall be compared and the result announced in the manner, at the time and by the persons authorized to compare the poll and declare the results in the regular election held at the same time, and the results shall be spread upon the records of the County Court at its next regular term held after the result is declared, and shall become effective as of the date it is so entered upon the records of the County Court; and the result of the election may be contested in the manner provided for the contest of elections held for County offices, except that any five persons who voted with the side receiving the smallest number of votes shall be plaintiffs or contestants and five that voted with the opposing side shall be defendants or contestees.

§ 6. All acts and parts of acts in conflict herewith, to the extent of such conflict, are hereby repealed.

By same:

H. B. 50. An Act to amend Chapter 65, Article Seven, Acts of the General Assembly of Kentucky, Regular Session of the year 1934, providing for the extension of certificates to all who have been certificated to teach in the public schools of this State for a period of twenty years prior to the adoption of this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Department of Certification of the Department of Education of the Commonwealth of Kentucky, is hereby authorized, and upon application shall, issue to all persons who have heretofore been certificated as teachers in this State, by the State or County Boards of Education, either or both, for a period of twenty years prior to the adoption of this Act; a certificate entitling any such person to teach in the public schools of this State for and during their natural life.

§ 2. Any person or persons who shall be entitled to an extension of certificate as permitted by this Act shall upon written application, signed by the applicant, together with the dates of the years and places where they have held such certificates; be issued a life certificate as provided herein by the Department of Certification, Department of Education of the Commonwealth of Kentucky; provided that such application be accompanied by fee of \$1.00.

§ 3. All laws or parts of laws in conflict herewith are hereby repealed.

By Mr. Shehan:

H. B. 51. An Act to create a Game and Fish Commission, to define its powers and duties, and to provide for the protection, restoration, propagation, and increase of game, birds, fish and fur-bearing animals; and transferring duties and funds.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

GAME AND FISH COMMISSION

§ 1. (a) COMMISSION CREATED. That the Game and Fish Department is hereby placed under a Commission to be known

as the "Kentucky Game and Fish Commission," hereinafter referred to as the Commission, which is hereby created.

(b) **APPOINTMENT AND TERMS.** The Commission shall consist of five members, who shall fairly represent the several geographical sections of the State, without reference to any political party to which they belong.

The members of the Commission shall be appointed by the Governor within thirty days after the approval of this Act, by and with the advice and consent of the Senate, one to serve one year, one to serve two years, one to serve three years, one to serve four years, and one to serve five years, or until their successors are appointed and qualified; and thereafter as such terms expire their successors shall be appointed for terms of five years. .

No person shall be appointed a member of the Commission unless he shall be well informed on the subject of wildlife conservation and restoration.

(c) **REMOVALS.** The Governor may remove a commissioner for inefficiency, neglect of duty, or misconduct in office, delivering to him a copy of the charges and affording him an opportunity of being publicly heard in person or by counsel in his own defense, upon not less than ten days' notice.

If such Commissioner shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such Commissioner and his findings thereon, together with a complete record of the proceedings.

The Governor shall fill vacancies by appointment for any unexpired term, subject to confirmation by the Senate at the next regular or special session of the State Legislature.

(d) **PAYMENT FOR MEMBERS AND REIMBURSEMENTS FOR EXPENSES.** The members of the Commission shall receive \$300.00 per year as compensation for their services as members thereof, and each Commissioner shall be entitled to reimbursement for actual and necessary traveling and other expenses and

disbursements incurred or made by him in the discharge of his official duties to be paid from the Game and Fish Fund.

(e) **QUORUM.** A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power.

(f) **OFFICE AND SUPPLIES.** The Commission shall have its principal office in the State Capitol or such other place as may be designated in this Act. The Commission is authorized to purchase all supplies, equipment, printed forms, and notices, and to issue such publications as it may deem necessary to carry out the purposes of this Act.

GENERAL POWERS AND DUTIES OF THE COMMISSION

§ 2. (a) **CHAIRMAN AND MEETINGS.** The members of the Commission shall meet at the Capitol within thirty days after their appointment and shall organize by electing from their membership a Chairman and a Secretary, and thereafter regular meetings shall be held by the Commission at its offices quarterly, and at such other times and places within the State as the Commission shall select for the transaction of business.

(b) **POWERS AND DUTIES.** It shall be unlawful to take or pursue any of the wildlife of the State at any time or in any manner, except at such times and in such manner as the supply of wildlife may justify, and the said Commission is hereby directed to make adequate investigation as to the said supply and thereupon shall, by appropriate rules and regulations:

1. Fix seasons and bag limits, or shorten or close seasons on any species of game, bird, fish or fur-bearing animal, in any specified locality or localities or the entire State, when it shall find, after said investigation, that such action is necessary to assure the maintenance of an adequate supply thereof. The statutes now governing such subjects shall continue

in full force and effect, except as altered and modified by rules and regulations promulgated by the Commission.

2. Establish and close to hunting, trapping or fishing, game, bird or fish refuges on public lands and, with the consent of the owner, on private lands; and close streams and lakes, or parts thereof, to hunting, trapping, or fishing.

3. Acquire by purchase, condemnation, lease, agreement, gift, or devise, lands or waters suitable for the purposes hereinafter enumerated, and develop, operate and maintain the same for said purposes:

(a) For fish hatcheries, nursery ponds, or game farms;

(b) Lands or waters suitable for game, bird, fish or fur-bearing animal restoration, propagation, or protection;

(c) For public hunting, fishing, or trapping areas to provide places where the public may hunt, trap or fish in accordance with the provisions of law or the regulations of the Commission;

(d) To extend and consolidate by exchange lands or waters suitable for the above purposes;

(e) To capture, propagate, transport, buy, sell or exchange, any species of game, bird, fish or fur-bearing animal needed for propagation or stocking purposes, or to exercise control measures of undesirable species.

4. Enter into cooperative agreements with educational institutions and state, federal, or other agencies, to promote wildlife research and to train men for wildlife management.

5. Enter into cooperative agreements with federal agencies, municipalities, corporations, organized groups of land-owners, associations and individuals for the development of game, bird, fish, or fur-bearing animal management and demonstration projects.

(c) **LIMITATION ON POWERS.** Nothing in this Act, however, shall be construed to authorize the Commission to change any penalty prescribed by law for a violation of its

provisions or to change the amount of license fees or the authority conferred by licenses prescribed by law.

(d) ORGANIZATION OF WORK. The Commission shall establish such departmental bureaus or divisions and shall authorize the Director to employ such experts, clerks, or other employees as it may deem necessary for the conduct of the work of the Commission, and it shall fix their salaries or other compensation, which shall be paid out of the Game and Fish Fund.

The Commission shall authorize such scientific and other studies as may be deemed necessary to its work and shall collect, classify, and disseminate such statistics, data, and information as in its discretion will tend to promote the objects of this Act.

OFFICE OF DIRECTOR

§ 3. (a) DIRECTOR TO BE SELECTED. The office of Director of the Game and Fish Department is hereby created. Upon the organization of the Commission hereinbefore provided for, said Commission shall appoint a Director of the Game and Fish Department, who shall be a man, with knowledge of, and experience in, the requirements for the protection, conservation, and restoration of the wildlife resources of the State. The director shall serve for an indefinite term. The Director shall not hold any other public office and shall devote his entire time to the service of the State in the discharge of his official duties.

(b) COMPENSATION AND EXPENSES. The Director shall receive such compensation as the Commission may determine, and shall be reimbursed for all actual and necessary traveling and other expenses incurred by him in the discharge of his official duties.

(c) OATH AND BOND. Before entering upon the duties of his office, the Director shall take, and subscribe to, the constitutional oath of office and shall, in addition thereto, swear or affirm that he holds no other public office, nor any position

under any political committee or party. Such oath, or affirmation, shall be filed in the office of the Secretary of State.

The Director shall execute and file with the State Treasurer a bond to the people of the State in the sum of \$5,000.00, conditioned on the faithful performance of his duties, and that he will account for and pay over, pursuant to law, all State moneys received by him under law for the protection of wild animals, birds and fish. The premium on such bond shall be paid from the Game and Fish Fund.

(d) DUTIES AND POWERS. The Director shall have general supervision and control of all activities, functions, and employees of the Game and Fish Department, under the supervision and direction of the Commission, and shall enforce all the provisions of the laws of this State relative to wild animals, birds, and fish, and shall exercise all necessary powers incident thereto not specifically conferred on the Commission.

Director shall make to League of Kentucky Sportsmen (as long as League remains intact) a quarterly report of all receipts and disbursements.

CONSERVATION OFFICERS

§ 4. (a) APPOINTMENT AND SELECTION. The Director is hereby authorized to appoint, with the approval of the Commission, as many Conservation Officers as may be required efficiently to enforce the laws for the protection of wild animals, birds, and fish.

All appointments of Conservation Officers hereafter made shall be under Civil Service rules adopted and promulgated by the Commission. Such examination shall embrace an investigation of the character, habits, and qualifications of each applicant, as well as his knowledge of the State game and fish laws, and the duties and responsibilities appertaining to the position of Conservation Officer.

(b) COMPENSATION AND ADVANCEMENT. Each Conserva-

tion Officer shall receive a salary of not less than Two Thousand and Five Hundred Dollars per annum, payable in semi-monthly installments; provided, however, that each officer who shall have been rated in the first grade for a full year shall receive increased salary at the rate of One Hundred Dollars (\$100.00) per annum, and for each year thereafter in which he shall so qualify he shall receive a like increase until he receives the sum of Three Thousand Five Hundred Dollars (\$3,500.00) per annum; and that each officer who has been rated in the second grade for a full year shall receive increased salary at the rate of Fifty Dollars (\$50.00) per annum, and for each year thereafter in which he shall so qualify he shall receive a like increase until he receives the sum of Two Thousand Dollars (\$2,000.00) per annum; but the Commission shall have power in its discretion, for cause shown, to cancel such increase, or any part thereof, on the failure of any officer receiving such increase to qualify for the first or second grade in any years.

(c) **POLITICAL ACTIVITY PROHIBITED.** While retaining the right to vote as he may please and to express privately his opinion on all political subjects, no employee or officer of the Commission shall take any active part in political management or in political campaigns, nor shall he use his official authority or influence for the purpose of interfering with an election or affecting the results thereof, or for the purpose of coercing the political action of any person or body.

ORDERS AND REGULATIONS

§ 5. (a) **PUBLICATION.** Rules, regulations and orders of the Commission shall be published in the following manner: Those having general application throughout the State shall be published at least once in some newspaper published in and have general circulation throughout the State; those of special character having local application only shall be published at least once in some newspaper published in and

having general circulation in the locality wherein such rules, regulations and orders are applicable, but, if no such newspaper is so published and circulated, copies of such rules, regulations and orders shall be posted in at least three conspicuous places in the locality in which they are applicable. Such rules, regulations and orders may also be given such other publicity as the Commission may deem desirable.

(b) VIOLATION OF RULES AND REGULATIONS. Any person violating any rules, regulations, or order of the Commission shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) for each offense, or by imprisonment in the County jail for a period of not less than ten (10) days nor more than thirty (30) days, or by both such fine and imprisonment.

GAME AND FISH FUND

§ 6. (a) CREATION OF FUND. The Commissioners and the Director of the Game and Fish Department shall promptly pay to the State Treasurer all moneys received by them, respectively, from the sale of hunting licenses or from any other source connected with the administration of the provisions of this Act, or any law or regulation for the protection of wild animals, birds, or fish, and the State Treasurer shall deposit all such moneys in a special fund to be known as the "Game and Fish Fund," which is hereby reserved, set aside, appropriated, and made available until expended as may be directed by the Commission in carrying out the purposes of this Act, or any law or regulation for the protection of wild animals, birds, or fish, and shall be used for no other purpose. All warrants shall be drawn on said fund in the manner provided by the Constitution or by statute.

(b) TRANSFER OF FUNDS. All funds, appropriations, and moneys provided for the purpose of administering or enforcing the game and fish laws of this State, and all funds, ap-

appropriations, property, and money under the control of the present Game and Fish Department, or other funds of the State in the custody or control of any other officer or person connected with the office of the present Game and Fish Department, or under the supervision of the said Department, shall be and hereby are transferred to the Commission or the Game and Fish Fund, and made available to and placed under the control of the Commission herein created.

(c) CONTROL OF EXPENDITURES. The Commission shall govern the financial policies of the Department and shall fix the budget for the operation and maintenance of its work for each fiscal year, which budget shall not be exceeded by the Director.

Funds to the credit of the Commission shall be withdrawn by the Director by warrant against the Game and Fish Fund for such purposes as the Commission may direct.

All such warrants shall have attached thereto or contained therein an itemized statement showing the purposes of said expenditure.

The Commission shall not contract any indebtedness or obligation beyond the funds available, or presently to be available, for its use.

(d) PURPOSES OF EXPENDITURES. The Commission shall have the exclusive power to expend for the protection, conservation, propagation and restoration for game, birds, fish and fur-bearing animals, all funds of the birds, animals, or fish, arising from State appropriations, licenses, gifts or otherwise.

FINES AND APPEALS

§ 7. PAYMENT AND REPORTS. It shall be the duty of each Justice of the Peace or Clerk of the Court, before whom any prosecution under this Act or any law or regulation for the protection of wild animals, birds, or fish may be commenced, or shall go on appeal, and within twenty days after a decision has been rendered therein, to report in writing to the Director

the result of the prosecution, the amount of fine collected or penalty imposed, if any, therein.

All moneys collected as fines or penalties for violations of the provisions of this Act or any law or regulation for the protection of wild animals, birds, or fish shall be, within thirty days, paid over to the Commission by the Court, Justice of the Peace, or other officer collecting or receiving the same.

SAVING CLAUSES

§ 8. (a) EMPLOYEES CONTINUED IN SERVICE. All persons in the employ of the Game and Fish Department shall continue in service under the direction of the Commission hereby created until such time as transfers or changes in personnel are deemed necessary for the good of the service.

(b) PRESENT STATUTES AND ORDERS. Except as herein specifically or otherwise provided, all laws relating to the collection, carrying, transfer, custody or disbursement of funds, appropriations and moneys, or relating to any clerical or ministerial act involved in the collecting, carrying, transfer, custody, or disbursement of funds appropriated or made available for the administration of the game and fish laws of the State, or in the custody or control of the Game and Fish Department or any other officer or person connected with said Department, transfer, custody and disbursement of all funds when under the control of the Commission herein created.

All existing rules, orders, and regulations of the State Game and Fish Commission shall continue in full force and effect as rules, orders, and regulations of the Commission hereby created, until amended or rescinded by it.

(c) INVALIDITY OF PROVISIONS. If any clause, sentence, paragraph, subdivision, section or part of this Act or any order or rule of the Commission shall, for any reason, be adjudged by any Court of competent jurisdiction to be unconstitutional, or invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be con-

fined in its operations to such clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which said judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to such clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

REPEALS

§ 9. All acts, whether general, local, special, or private, or parts of such acts, in conflict with or which are inconsistent with the provisions of this Act are hereby repealed.

DATE EFFECTIVE

§ 10. This Act will take effect immediately on its passage and approval by the Governor.

By same:

H. B. 52. An Act to recreate the Nine (9) Road Commissioner's Districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Commonwealth of Kentucky is hereby divided into Nine (9) Road Commissioner's Districts by amending and reenacting section 4356t-3a so that said Road Commissioner's Districts when reenacted shall read as follows:

The first road district shall be composed of the following counties: Ballard, Caldwell, Carlisle, Fulton, Graves, Livingston, Marshall, Lyon, McCracken, Trigg, Calloway, Hickman, Crittenden and Christian.

The second road district shall be composed of the following counties: Daviess, Hopkins, McLain, Union, Webster,

Henderson, Ohio, Butler, Edmonson, Logan, Todd, Muhlenberg, Warren, Simpson and Allen.

The third road district shall be composed of Jefferson county alone.

The fourth road district shall be composed of the following counties: Bullitt, Green, Hardin, Grayson, Breckinridge, Hart, Larue, Marion, Meade, Nelson, Taylor, Washington, Spencer, Anderson, Adair, Metcalfe, Barren, Hancock and Shelby.

The fifth road district shall be composed of the following counties: Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Pendleton, Trimble and Oldham.

The sixth road district shall be composed of the following counties: Bourbon, Clark, Estill, Fayette, Franklin, Henry, Lee, Owen, Scott, Woodford, Jessamine, Madison, Garrard, Mercer, Lincoln, Boyle, and Casey.

The seventh road district shall be composed of the following counties: Floyd, Knott, Letcher, Martin, Magoffin, Johnson, Pike and Perry.

The eighth road district shall be composed of the following counties: Bracken, Bath, Boyd, Breathitt, Carter, Elliott, Fleming, Lawrence, Greenup, Harrison, Lewis, Mason, Menifee, Morgan, Nicholas, Powell, Robertson, Rowan, Wolfe and Montgomery.

The ninth road district shall be composed of the following counties: Harlan, Leslie, Jackson, Owsley, Clay, Knox, Whitley, Bell, McCreary, Wayne, Russell, Clinton, Cumberland, Meade, Laurel, Rockcastle and Pulaski.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

§ 3. On account of the necessity of road construction and the allocation of road funds in the various road commissioner's districts herein created and the necessity for the speedy and prompt action an emergency is hereby declared to exist; and this act shall become effective immediately from and after its passage and approval by the Governor.

By Mr. Tapp:

H. B. 53. An Act to add to the primary system of public roads, a road leading from United States Highway 62 at White Plains, Hopkins County, past Mt. Carmel Church and Red Gill thence to connect with the nearest point of the Hopkinsville-Greenville road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as part of the primary system of state highways of the Commonwealth of Kentucky, a road beginning at the town of White Plains, Hopkins County, and running southwardly by Mt. Carmel Church and Red Hill and connecting thence with the nearest point on the Hopkinsville-Greenville road in Christian County, Kentucky.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways, the same as though said road had been named in said original Act as one of the projects of said primary system of highways.

By Mr. Rayburn:

H. B. 54. An Act to Repeal, Amend and Re-enact Section 1954b-11, Kentucky Statutes, relating to fur-bearing animals and changing the time for closed season on such animals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1954b-11, Kentucky Statutes, be and the same is hereby repealed, amended and re-enacted so that when re-enacted shall read as follows:

Fur-Bearing Animals. No person shall take, trap, shoot or kill any beaver, mink, raccoon, fox, otter, opossum or skunk in the State of Kentucky from the first day of December to the 31st day of January, both days inclusive of any year, provided however, that when any of the animals mentioned in this section are found injuring or doing damage to or destroying any property, the person whose property is being damaged, injured or destroyed, may at any time kill them on his own premises when necessary for the protection of his or her property. Any person violating this section or any part thereof, shall upon conviction be guilty of a misdemeanor, and shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00) for each offense to which may be added imprisonment in the county jail for a period not exceeding thirty days.

By Mr. Shields:

H. B. 55. An Act authorizing, empowering and directing the Governor to cause to be made an audit, study and survey of Departments, Institutions, Boards, Commissions and Agencies of the Commonwealth; empowering him to employ auditors, accountants, clerks, bookkeepers and any other class of skilled and professional services which, in his judgment, may be necessary and expedient to make said audit, study and survey; defining the scope or character of same and the powers and duties of auditors and others employed for the aforesaid purposes; and appropriating the sum of one hundred and twenty thousand dollars (\$120,000.00) to be used by the Governor in carrying out the purposes of the Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Governor of this Commonwealth hereby is authorized, empowered and directed to cause to be made a full,

thorough, comprehensive and complete audit, study and survey of Departments, Institutions, Boards, Commissions and Agencies of this Commonwealth. To this end he hereby is specifically authorized, empowered and directed to employ and pay such reputable, qualified and experienced auditors, accountants, clerks, bookkeepers and any other class of skilled and professional services which, in his judgment, may be necessary and expedient to carry out, as expeditiously as possible, the duties imposed upon him by this Act, and to authorize, incur and pay such expenses as, in his judgment, may be necessary.

This audit, study and survey herein provided for shall extend back over such period of time as necessary to reveal the true financial condition of the Commonwealth, and of every Department and Agency thereof, and shall be of such character as to ascertain waste, duplication of efforts, useless offices, faulty or inadequate systems of bookkeeping, accounting, improper budgeting, and any and all other facts that may aid in placing the Commonwealth upon a sound financial basis.

From time to time as the work is finished and upon completion of said audit, study and survey, the Governor shall make a report thereof to the General Assembly, together with his recommendations relating thereto.

§ 2. Within a reasonable time after the effective date of this Act, and as soon as practical after any Department, Board, Commission or Agency of the State Government is reorganized, the Governor shall cause to be installed and kept by each Department, Board, Commission and Agency of the Commonwealth of Kentucky, a carefully systematized and well devised plan of filing, bookkeeping and accounting. Said system shall be as nearly uniform as practical and shall be as comprehensive as necessary for the efficient administration and business needs of the respective Departments. As a part of the requirements to be imposed therein, the records of each Department shall be so kept that a full and complete report

may be readily and economically prepared and furnished to the Governor monthly, showing in detail all receipts and disbursements and other pertinent information which may be required by the Governor, for the previous month.

§ 3. Any auditor, accountant or other person employed by the Governor under the provisions of this Act shall have the right, when authorized in writing by the Governor, to require information, on oath, from any person or party touching any matters relative to any account which he is required to examine, state or audit. Any auditor, accountant or other person having such written authority from the Governor shall also have free and full access to any and all books, files, records and accounts of each and every Board, Commission, Department and Agency of this Commonwealth necessary or useful for the full and complete performance of the duties to which such person may be assigned by the Governor.

§ 4. There hereby is appropriated out of any funds of the State Treasury not otherwise appropriated the sum of one hundred and twenty thousand dollars (\$120,000.00) to be used by the Governor in performing the duties required and/or authorized by this Act. Said appropriation shall be paid out of the General Funds by the State Treasurer on warrants drawn by the State Auditor on proper certification by the Governor.

§ 5. It is deemed by the General Assembly to be both advisable and necessary that the audits, studies and surveys authorized and provided for by this Act should be made as promptly as possible to aid in the proper and efficient reorganization of the State Government and the proper and efficient administration thereof. An emergency hereby is declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

By Mr. Riley:

H. Res. 2. Joint Resolution authorizing R. Young and

Joseph Young to sue the Commonwealth of Kentucky and the State Highway Commission or either.

Said resolution is as follows, viz.:

Whereas, On March 23, 1935, Joseph Young of Daviess County, Kentucky was driving a wagon and team, the wagon being loaded with coal along and over Highway 60 immediately east of Owensboro, in Daviess County, Kentucky, and was traveling east on his right-hand side of the road, a portion of his wagon and team traveling on the shoulder of the road on his right. Said team of horses and wagon was the property of R. Young, and Joseph Young was driving said team of horses and wagon as the agent and servant of R. Young. Traveling west on said Highway 60 at said time were two trucks owned by the State Highway Commission and at the time engaged in its service. One of said trucks was attached to the rear of the other by a cable some ten or twelve feet long, and while being driven west along said highway by an employee of the State Highway Commission the rear truck was by the carelessness and negligence of the driver permitted to sway from side to side of the road, and by reason of the carelessness and negligence of the employees of the State Highway Commission in charge of said trucks, said rear truck was permitted to swing with great force across said highway striking said wagon and team driven by Joseph Young in such a manner as to demolish said wagon, kill both horses, throwing the driver, Joseph Young, from the wagon to the pavement severely injuring and bruising him around the head and body to such an extent that the injuries he received are permanent.

Said accident was caused and brought about by the trucks being used and operated at said time by the employees of the State Highway Commission in the performance of their duties; and,

Whereas, The said R. Young by reason of the carelessness and negligence of the State Highway Commission and

its employees engaged in the performance of their duties in using said truck, is deprived of two horses and his wagon; and Joseph Young severely injured, bruised and permanently injured by reason of said negligence, all of which damage and injuries were caused and brought about by the alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the State's business: Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said R. Young and Joseph Young are hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either, in the Circuit Court of the County of their residence for such damages for personal injuries and property they or either of them may have suffered, if any, by reason of or received by them through the carelessness or negligence of the State Highway Commission, its agents or employees. Said suit for R. Young for property damage shall be for any amount not exceeding the sum of \$500.00, and said suit for Joseph Young for personal injuries received by him shall be for any amount not exceeding the sum of \$3,000.00, and in the event any judgment is recovered by said R. Young for property damage or by Joseph Young for personal injuries received by him or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrants drawn on the State Treasury and paid out of the general fund.

§ 2. Either party to said suit or suits may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case may be settled or adjusted.

By Mr. Robinson:

H. Res. 3. Resolution Memorializing Congress to enact legislation to maintain the parity prices for farm products established under the AAA.

Said resolution is as follows, viz.:

Whereas, the Supreme Court on January 6, 1936, declared to be unconstitutional the AAA program enacted by Congress for the purpose of maintaining a parity price for farm products; and,

Whereas, prices paid to farmers prior to the enactment of the AAA program were far below the cost of production; and,

Whereas, The farm population of America was rapidly becoming a population of paupers; and,

Whereas, the farmers were being daily dispossessed of their farms; and,

Whereas, since the enactment of the AAA program farm prices have risen, thus restoring purchasing power to the farm population of the nation; and,

Whereas, Since the decision of the Supreme Court, the price of tobacco on the Kentucky markets has dropped considerably, thus effecting the purchasing power of a large portion of Kentucky's population; and,

Whereas, in the event of the destruction of this program the entire structure for farm products is endangered; and,

Whereas, the members of this legislature are of the opinion that not only the farm population but the urban population dependent upon the farm market is vitally affected by the threatened destruction of the AAA program: Now, Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the President of the United States, the Con-

gress thereof, and especially the Senators and Representatives from Kentucky, be and they are hereby memorialized, petitioned and urged to enact immediately such legislation as will maintain the parity price of farm products as established under the AAA program, and retained the balance established between purchasing power and production under said program.

§ 2. The clerks of the House and Senate are hereby directed to send a certified copy of this resolution to the President of the United States, to the Clerk of the Senate, and to the House of Representatives, to the Congress of the United States, and a copy to each Senator and Representative of the House of Representatives from Kentucky.

By Mr. Ladd:

H. Res. 4. A Concurrent Resolution of the Senate of Kentucky and the House of Representatives of the General Assembly of Kentucky, requesting the United States Senate and the Congress of the United States to immediately enact legislation to take the place of the Agricultural Adjustment Act.

Said resolution is as follows, viz.:

Whereas, the farmers of the State of Kentucky have been greatly benefited by the relief accorded them under the Agriculture Adjustment Act; and,

Whereas, the price of their products has been increased materially by the provisions of said act; and,

Whereas, said products before said act was passed were being produced at a loss to the farmers and that the benefits of said act have so increased the price of said products that the farmers of the State have been able to pay their debts and educate their children and save their homes; and,

Whereas, the Supreme Court of the United States has held said act unconstitutional and the effect of said ruling will deprive the farmers of the State of the benefits of said

act and will cause the prices of the products of the farmers to fall materially; and,

Whereas, the farmers of the State are not now adequately protected and our people are greatly distressed on account of the loss of the benefits of the AAA. Now, Therefore,

Be it Resolved by the Senate of the Commonwealth of Kentucky, and the House of Representatives concurring:

That the Congress and the Senate of the United States immediately enact legislation to take the place of the Agricultural Adjustment Act, and provide if it be possible the same relief that the farmers enjoyed under said AAA.

By Mr. Silvers:

H. Res. 5. Joint resolution expressing approval of and urging continuance of a policy of strict neutrality of the United States government in international disputes not affecting this Nation.

Said resolution is as follows, viz.:

Whereas, the clouds of war hang heavily over many of the Nations of the World and more particularly those peoples of Central and Southern Europe; and,

Whereas, the Congress of the United States, together with the Honorable President of the United States have heretofore and recently acted to safeguard the neutrality of this Country from disputes between foreign nations. Now, Therefore,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate of the Commonwealth of Kentucky concurring:

That the General Assembly of the Commonwealth of Kentucky heartily approve the policy of the Congress and the Honorable President of the United States to maintain strict neutrality in the territorial and political disputes of

foreign nations and express the sincere desire that said policy shall be maintained inviolate.

Be it further Resolved, That a copy of this resolution be sent by the Clerk of the House of Representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each United States Senator and Congressman from Kentucky.

By Mr. Hammons:

H. Res. 6. Resolution Memorializing Congress to eliminate taxation of gasoline by the Federal Government.

Said resolution is as follows, viz.:

Whereas, The Congress of the United States of America has imposed a tax upon all sales of gasoline; and,

Whereas, the State of Kentucky and all other several states of the United States have already imposed taxes upon such sales; and,

Whereas, the federal tax on such sales is untimely and prohibitive and, coupled with the respective state taxes on such sales, places a burden upon the users of gasoline beyond that which the traffic can legitimately bear; and,

Whereas, the taxation of sales of gasoline should properly be left to the exclusive use of the states as a means of providing funds for road construction and maintenance: Now, Therefore, be it

Resolved, That the House of Representatives and the Senate concurring herein, that the Congress of the United States be and it is hereby respectfully memorialized to enact with all convenient speed such legislation as may be necessary to abolish the federal gasoline sales tax and such sales in the future, and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the Clerk of the House

of Representatives, the Secretary of the United States and to each member of Congress elected from the State of Kentucky and that the latter be urged to use their best offices to procure the enactment of such legislation as will accomplish the purpose of this resolution.

By Mr. Byers:

H. Res. 7. Resolution authorizing Mrs. Joe A. Westerfield to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky.

Said resolution is as follows, viz.:

Whereas, the State Highway Commission of Kentucky constructed a public highway on Project No. 11 in Ohio County, Kentucky, which work was begun in May, 1925, and completed during said year; and,

Whereas, said grade and drain of said road as constructed by Ellis and Smeathers, contractors, employed by the State Highway Commission of the Commonwealth of Kentucky; and,

Whereas, said contractors acting pursuant to their contract with the State Highway Commission of Kentucky, removed from the old embankment four hundred and ten (410) feet, of open and only put in one hundred and thirty (130) feet in the road as constructed; and,

Whereas, said grade and drain was so negligently and carelessly constructed and maintained as not to have a sufficient of openings in the levee thereby causing the water accumulating on the north of the levee to run through the small openings with force as to injure and damage the lands owned by Joe A. Westerfield on south side of said levee and adjacent to it; and,

Whereas, by reason of said negligent construction and maintenance the lands owned by Joe A. Westerfield on the south side of said road and adjacent to it were greatly in-

jured and damaged by the waters concentrating in these small openings with such force as to wash and damage the lands owned by Joe A. Westerfield over which it was forced to go, thereby changing the natural course of the water and not giving sufficient openings for the water to pass through the levee without injury to the land on the south side of said levee; and,

Whereas, the lands owned by said Joe A. Westerfield have been greatly damaged by the negligent construction and maintenance of said road; and,

Whereas, the said Mrs. Joe A. Westerfield alleges and claims that said damage and injury to his lands was caused entirely by the negligent and carelessness of the State Highway Commission, its agents and employees in the construction and maintenance of said road; and,

Whereas, if the said injury and damage to said land was caused by the negligence and carelessness of the said Highway Commission, its agents and employees the said Highway Commission, its agents and employees the said Mrs. Joe A. Westerfield the personal representative of Joe A. Westerfield, deceased, should be compensated for the damages done to his said lands: Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Mrs. Joe A. Westerfield be and she is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, in the Ohio Circuit Court for such damage as he may have sustained if any, by reason of any injury or damage to his lands through the carelessness or negligence of the State Highway Commission of Kentucky, its agents or employees, and in the event any judgment is recovered by the said Mrs. Joe A. Westerfield in said suit for damage to Joe A. Westerfield's lands, same shall be paid by the Auditor by warrant on the Treasurer.

§ 2. Either party to said suit may appeal from any judgment which may be rendered in the Ohio Circuit Court to the Court of Appeals and the case may be settled and adjusted with the consent of the Attorney General of Kentucky in the same way as any other civil case.

Ordered that said bills and resolutions be referred.

The Speaker announced that he had referred—

H. B. 45. To Committee on Kentucky Statutes No. 1.

H. B. 46. To Committee on Kentucky Statutes No. 1.

H. B. 48. To Committee on Kentucky Statutes No. 1.

H. B. 55. To Committee on Kentucky Statutes No. 1.

H. Res. 2. To Committee on Kentucky Statutes No. 1.

H. Res. 3. To Committee on Kentucky Statutes No. 1.

H. Res. 4. To Committee on Kentucky Statutes No. 1.

H. Res. 7. To Committee on Kentucky Statutes No. 1.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 2. An Act repealing Chapter 25 of the Extraordinary Session of the General Assembly of 1934 known as the "Gross Receipts Tax Law of 1934," and declaring an emergency.

H. B. 8. An Act empowering and authorizing the Court of Appeals of the Commonwealth of Kentucky to render advisory opinion as to the constitutionality of any bill or measure pending in either the House or Senate, during any regu-

lar or special session of the General Assembly of the Commonwealth of Kentucky upon written request by the Governor.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

Dr. Shields moved that the House do now recess until three-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of three-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Dr. Shields moved that the Rules of this House be suspended for the purpose of permitting a report by the Special Committee heretofore appointed by the Speaker to compare the rules of the House of 1936 with the rules of the House of 1934 and 1932.

Said motion was agreed to.

Thereupon Dr. Shields of the aforesaid Committee offered the following report, viz.:

The Special Committee on Rules, by resolution of the House, to which the Rules had been referred, has had under consideration the rules and reports that the mimeographed copy hereto attached has been compared with the original copy of the 1936 Rules and the 1936 original Rules with the

1934 and 1932 Rules and a constitutional majority of 51 members is controlling on any question and the rules can be suspended, amended, vacated or abolished by 51 votes.

There are no objectionable features except the word "included" in Rule 59 should be changed to word "excluded" and this Committee recommends this change and add after the word "Governor" in Rule 10, "members of his family."

Dr. Shields moved that the vote by which the Rules of the House for the 1936 Session were adopted on Tuesday, January 7, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration.

Dr. Shields offered the following amendment to said rules, viz.:

Amend Rule 59 by changing the word "included" to the word "excluded."

Said amendment was agreed to.

Mr. Myers offered the following amendment to said rules, viz.:

Amend Rule 10 by adding and inserting after the word "Governor", the words "members of his family."

Said amendment was agreed to.

Said Rules were then adopted, as amended.

The yeas and nays being required thereon, by Dr. Shields and Mr. Davis, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	H. T. Baker	Reuben J. Boling
Henry H. Allen	W. T. Baker	Douglas Bolling
C. W. Anderson, Jr.	B. F. Bedford	Ollie J. Bowen

Wallace Brown	Ira W. Hulette	Mel Petry
Dr. R. A. Byers	John M. Hunnicut	A. W. Pfeiffer
Jas. C. Carter	J. T. Jennings	J. C. Ramey
V. O. Chandler	Ben W. Johnson	Hobart Rayburn
Floyd Clark	J. H. Jones	Harry C. Records
Roscoe Claxon	O. C. Jones	L. K. Rice
George S. Clay	R. T. Kirkman	Wade H. Riley
J. A. Coleman	John Kirtley	Joe E. Robinson
Roy Conway	J. F. Ladd	John C. Robinson
Herbert Cook	Leslie Larrimore	W. T. Rollo
Harry Davis	Robert E. Lee	Carl Scheben
Sam Dever	M. T. McCarthy	Carl Schneider
George W. Dunlap	T. B. McConnell	Ray O. Shehan
Howard G. Early	J. L. McDermott	Dr. B. F. Shields
Garland Embry	Lloyd MacDonald	P. L. Sidebottom
Walter R. Fannin	W. F. McGary	Chester D. Silvers
Chas. P. Farnsley	Elmer McGlothen	H. C. Steely
T. P. Fitzpatrick	C. S. Matherly	Henry Stewart
H. Myer Garner	D. T. Matlack	Dr. H. S. Swope
G. W. Garrett	Duke Mayfield	W. R. Tapp
James Garnett, Jr.	G. S. Milam	R. Van Bever, Jr.
Ferd A. Gnan	W. H. Miller	S. J. Wagner
Ben Grogan	John B. Mollett	Joseph L. Wall
C. L. Hammons	W. E. Mull	Henry Ward
W. L. Hampton, Jr.	Tyler Munford	L. R. Wells
Thomas W. Hines	Rodes K. Myers	W. G. Williams
Price Holbrook	J. C. Nickell	Charles Wylie
Clyde S. Howard	Russell O'Neill	

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Mr. Davis moved that the vote by which said rules were adopted, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Dr. Shields moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, JANUARY 10, 1936.

The House was opened with prayer by the Reverend Hampton Adams of the Christian Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

F. T. Allen	G. W. Garrett	Duke Mayfield
Henry H. Allen	James Garnett, Jr.	G. S. Milam
C. W. Anderson, Jr.	Ferd A. Gnau	W. H. Miller
H. T. Baker	Eugene Gough	John B. Mollett
W. T. Baker	Ben Grogan	W. E. Mull
G. M. Ballard	Jas. T. Hamilton	Tyler Munford
B. F. Bedford	C. L. Hammons	Rodes K. Myers
Reuben J. Boling	W. L. Hampton, Jr.	J. C. Nickell
Douglas Bolling	Thomas W. Hines	Russell O'Neill
Ollie J. Bowen	Price Holbrook	Mel Petry
Wallace Brown	Clyde S. Howard	A. W. Pfeiffer
Dr. R. A. Byers	Ira W. Hulette	J. C. Ramey
Jas. C. Carter	John M. Hunnicut	Hobart Rayburn
V. O. Chandler	J. T. Jennings	Harry C. Records
Floyd Clark	Ben W. Johnson	L. K. Rice
Roscoe Claxon	J. H. Jones	Wade H. Riley
George S. Clay	O. C. Jones	Joe E. Robinson
J. A. Coleman	R. T. Kirkman	John C. Robinson
Roy Conway	John Kirtley	W. T. Rollo
Herbert Cook	J. F. Ladd	A. W. Ross
Harry Davis	Leslie Larrimore	Carl Scheben
Sam Dever	Robert E. Lee	Carl Schneider
Stanley S. Dickson	M. T. McCarthy	Ray O. Shehan
George W. Dunlap	T. B. McConnell	Dr. B. F. Shields
Howard G. Early	J. L. McDermott	P. L. Sidebottom
Garland Embry	Lloyd MacDonald	Chester D. Silvers
Clarence E. Evans	W. F. McGary	Bruce Sloan
Walter R. Fannin	Elmer McGlothen	H. C. Steely
Chas. P. Farnsley	John Marshall	Henry Stewart
T. P. Fitzpatrick	C. S. Matherly	Dr. H. S. Swope
H. Myer Garner	D. T. Matlack	W. R. Tapp

R. Van Bever, Jr.	Henry Ward	W. G. Williams
S. J. Wagner	L. R. Wells	Charles Wylie
Joseph L. Wall		

Mr. Davis moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Gnau moved that the vote by which the Rules of the House of 1936 were adopted on yesterday, be reconsidered.

By unanimous consent, said motion was agreed to.

Thereafter such reconsideration—

Mr. Gnau offered the following amendment to said Rules, viz.:

Amend Rule 10 by inserting after the word "Secretary", the words "Judges of the Court of Appeals".

Said amendment was agreed to.

Said Rules of the House were then adopted as amended.

Mr. Gnau moved that the vote by which said Rules were adopted as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration a resolution which was offered on yesterday by Mr. Hammons, entitled:

H. Res. 6. A concurrent resolution memorializing Con-

gress of the United States of America to eliminate the taxation of Gasoline by the Federal Government.

(For resolution see Journal of yesterday)

Said resolution was then adopted.

The House took up for consideration a resolution which was offered on yesterday by Mr. Joseph E. Robinson, entitled:

H. Res. 3. Resolution memorializing Congress to enact legislation to maintain the parity prices for farm products established under the AAA.

(For resolution see House Journal of yesterday)

By unanimous consent said resolution was withdrawn by Mr. Robinson.

The House took up for consideration a resolution which was offered on Wednesday, January 8, by Mr. Hammons, entitled:

H. Res. 1. Resolution requesting the payment of the Soldiers Bonus, by the Congress of the United States.

(For resolution see House Journal of January 8)

Said resolution was then adopted.

The House took up for consideration a resolution which was offered on yesterday by Mr. Silvers, entitled:

H. Res. 5. Concurrent resolution expressing approval of and urging continuance of a policy of strict neutrality of the United States Government in international disputes not affecting this Nation.

(For resolution see House Journal of yesterday)

Said resolution was then adopted.

The House took up for consideration a resolution which was offered on yesterday, by Mr. Ladd, entitled:

H. Res. 4. Concurrent Resolution of the Senate of Kentucky and House of Representatives of the General Assembly of Kentucky, requesting the United States Senate and the Congress of the United States to immediately enact legislation to take the place of the Agricultural Adjustment Act.

(For resolution see House Journal of yesterday)

Said resolution was then adopted.

Upon a call of the counties and Legislative Districts, the following bills were introduced, and ordered printed, viz.:

By Mr. Hulette:

H. B. 56. An Act to establish as part of the primary system of State Highways, a road leading from a point about three-fourths mile South of old Cedar Church in Owen County, at said point, leading from the Taft Memorial Highway over the most practical and direct route through Franklin County to a point on the U. S. Highway No. 227 about one and one-half miles North of Stamping Ground in Scott County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as part of the primary system of the State Highways of the Commonwealth of Kentucky, a road leading from a point about three-

fourths mile South of old Cedar Church in Owen County over the most practical and direct route through Franklin County to a point on U. S. Highway No. 227 about one and one-half miles North of Stamping Ground in Scott County.

§ 2. The construction and maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920 and all laws pertaining thereto, establishing and creating a primary system of State Highways to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State Highways, as provided therein.

By Mr. Scheben:

H. B. 57. An Act relating to the embezzlement, conversion, misappropriation and/or misapplication of the sinking fund in cities of the second class in the Commonwealth of Kentucky; providing penalties for the non-observance thereof and fixing upon city officers and employees civil liability therefor, and providing for the recovery of any and all amounts so embezzled, converted, misappropriated and/or misapplied.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any officers, agents and/or employees having charge, control and/or possession of the sinking fund or any portion thereof, or any of its property, money or evidences of property, or stocks, bonds, or other valuable thing of any city of the second class of the Commonwealth of Kentucky, who shall willfully embezzle, convert, misappropriate and/or misapply, or who, as a member of the General Council or Board of Commissioners, shall vote to so embezzle, convert, misappropriate and/or misapply such sinking fund, or any portion

thereof, or any officer, agent or employee who could by a refusal to act have prevented said embezzlement, conversion, misappropriation and/or misapplication, whether said embezzlement, conversion, misappropriation and/or misapplication be for the purpose of paying, securing or liquidating commitments, and/or debts of said municipality or otherwise, except as provided in Sections 3190, et seq., Carroll's Kentucky Statutes, 1930 Edition, shall be deemed guilty of a felony, and upon conviction therefor, shall be confined in the penitentiary of this State for not less than one (1), nor more than twenty (20) years at the discretion of the jury, and such officers, agents, and/or employees so offending, or their sureties, shall jointly and severally be and they are hereby made personally liable for the amount of such embezzlement, conversion, misappropriation and/or misapplication. It shall be the duty of the City Solicitor or other legal officer of the municipality to institute and prosecute to recovery, such civil actions, and if he fails to do so for six (6) months after he shall have knowledge of the same, any resident and taxpayer may institute the action or actions in his or her own name, and shall have one-half of the recovery. A civil recovery hereunder shall not militate against the criminal prosecution herein elsewhere provided.

§ 2. This act shall take effect and be in force from and after its passage.

By same:

H. B. 58. An Act to amend and re-enact Section 3187 of Carroll's Kentucky Statutes, 1930 Edition, relating to the sale of real estate for taxes, for cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3187 of Carroll's Kentucky Statutes,

1930 Edition, be amended and re-enacted so that said section as amended and re-enacted shall read as follows:

SECTION 3187. SALE OF REAL ESTATE FOR TAXES; PROCEDURE.—On the second Monday in December of each year, or as soon thereafter as practicable, the treasurer shall sell a sufficient amount of the real estate, whether the same be encumbered or not, or each delinquent taxpayer to satisfy and discharge all unpaid taxes of such delinquent with interest and penalties thereon and the further sum of two dollars (\$2.00) for the cost of advertisement and sale. Said sale shall be made to the highest and best bidder for cash at public auction, at or about noon, at the main entrance of the city building. One or more parcels of real estate may be sold for all of the taxes of the delinquent whether the same be for taxes on the real estate sold or for the taxes on other real estate, real or personal. When a parcel of real estate is offered for sale, the treasurer will inquire if anyone will buy an interest therein, less than the whole thereof, and pay the taxes, interest, penalty and costs thereon and he will sell only so much thereof or such an interest therein as will produce the amount to be realized. If no one will take less than the whole of the property and pay the taxes, interest, penalties and cost thereon, he will sell the whole of the property. If no one will bid said amount, it shall be the duty of the treasurer to purchase the property for the amount of said taxes, interest, penalties and costs. If one or more persons, own a life estate or other particular estate in the property sold with remainder over to others, the treasurer will first offer the particular estate for sale, and if no one will bid enough therefor to pay the taxes, interest, penalties and cost, he will then sell the whole property. Except as otherwise provided herein, said sale shall be made in the same manner that real estate is sold by sheriffs under execution, except that no levy or appraisal shall be necessary. Should any person purchase property at such sale, and then fail to pay for same, the treasurer shall immediately resell the property. Real estate sold for

delinquent taxes may be resold, in like manner, for taxes for succeeding years. If, for any reason, real estate is not sold at the time fixed in this section, it may be advertised and sold at any time thereafter in the manner herein provided. Before making said sale, the treasurer will cause three notices thereof to be published in the official newspaper of the city during the two weeks period just preceding the day of sale, showing the time, place and terms of the sale, the names of delinquent taxpayers, numbers of the tax bills, the total amount of taxes, interest, penalties and costs due on each bill, and a brief description, by lot and block numbers as shown on the city maps or by such other descriptions, sufficiently accurate to identify each parcel of property to be sold. Within thirty days after the sale the treasurer shall cause to be delivered to each delinquent whose real estate has been sold, or if the delinquent be an infant or a person of unsound mind or a non-resident, then to his guardian, committee or agent, a written notice of the sale, the time within which the property can be redeemed and the amount required to redeem it. If notice is not served within thirty days, it may be served as soon thereafter as practicable; provided, that if the notice is not given six months before the expiration of the period of redemption shall be extended until six months after the service of such notice, but failure to give notice shall not defer the purchaser's right to possession as provided in Section 3187c. Such notice may be executed by any police officer of the city or any other officer or person authorized by law to serve a notice. Any purchaser of property sold for taxes may cause such notice to be given with the same effect as if given by the treasurer. In either case the notice with the officer's written return thereon, showing the time and manner of service shall be returned to the treasurer's office and recorded in a book provided for that purpose and be preserved therein. In no event shall a deed be executed to a purchaser when notice has been given as required. All moneys received by the treasurer for property sold for taxes under this and preceding sec-

tion, including money collected for costs shall be promptly accounted for and paid over by him to the city in the same manner as taxes collected in the usual and regular way.

This act shall take effect and be in force from and after its passage.

By Mr. Boling:

H. B. 59. An Act to repeal Sections 68b-1, 68b-2, 68b-3, 68b-4, 68b-5, 68b-6, 68b-7, 68b-8, 68b-9, 68b-10, 68b-11, 68b-12, 68b-13, 68b-14, 68b-15, 68b-16, 68b-17, 68b-18, 68b-19, 68b-20, 68b-21, 68b-22, 68b-23, 68b-24, 68b-25, 68b-26, 68b-27, 68b-28, 68b-29, 68b-30, 68b-31, 68b-32, 68b-33, 68b-34, 68b-35, 68b-36 and 68b-37, relating to payment of taxes, records of same, payment of proceeds, for dogs, in its entirety, Kentucky Statutes, Carroll's 1930 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 68b-2 to and including 68b-37, inclusive, be and each of said Sections of Kentucky Statutes, Carroll's 1930 Edition, be and the same are hereby repealed in their entirety; which said Sections are entitled "An Act to promote and protect livestock industries in Kentucky."

By Mr. Robinson:

H. B. 60. An Act to repeal, amend and re-enact Section 2087 of Carroll's Revised Statutes of Kentucky, 1930 Edition, relating to heirs and devisees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2087 of the Carroll's Revised Statutes of Kentucky, 1930 Edition, be and the same is hereby repealed,

amended and re-enacted so when re-enacted, it will read as follows:

When the heir or devisee shall alien, before suit brought, the estate deceased or revised, he shall be liable for the value thereof, with legal interest from the time of alienation, to the creditors of the descendant or testator; but the estate so alienated shall not be liable to the creditors in the hands of a bona fide purchaser for valuable consideration, unless action is instituted within twelve months after the estate is devised or descended to subject the same.

By Mr. Mayfield:

H. B. 61. An Act to establish as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at that point on the Pilot Oak-Tri City highway in Graves County, where the magisterial district line between magisterial district No. 1 and magisterial district No. 2 crosses said highway, and running south with said magisterial district line to the Tennessee line.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as a part of the primary system of highways of the Commonwealth of Kentucky a road in Graves County beginning at a point on the Pilot Oak-Tri City highway, where the division line between the first magisterial district and the second magisterial district crosses said highway, and running south with said division line between magisterial district No. 1 and magisterial district No. 2 to the Tennessee line. Said project thus established to be a part of the primary system of highways of the Commonwealth of Kentucky and entitled to all privileges, benefits and conditions given by any act of law as may now or hereafter be in effect

relating to the primary system of highways in the Commonwealth of Kentucky.

By Mr. Bedford:

H. B. 62. An Act prohibiting the placing or throwing of glass, tacks, nails or other destructive substances upon the highways and providing penalties therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person who shall willfully place, throw, or cause to be placed or thrown upon the public highways of this Commonwealth, any glass, nails, tacks or other destructive substances, shall be guilty of a misdemeanor and shall upon conviction be fined not less than \$10.00 nor more than \$100.00 for each offence.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

By Mr. Hammons:

H. B. 63. An Act establishing and creating as a part of the primary system of the State highways of the Commonwealth of Kentucky, a road leading from the bridge across Cumberland river, south of Flat Lick along the east side of Cumberland river to the Elys depot.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of the State highways of the Commonwealth of Kentucky a road beginning at a point a few yards north of the bridge across Cumberland river at Flat Lick, Knox

County, Kentucky, on U. S. Highway No. 25E, and running in a southeastern direction following the old State road between the L. & N. Railroad Company's right-of-way and Cumberland river for about five-eighths ($5/8$) of a mile; thence crossing Louisville & Nashville Railroad Company's right-of-way and then running a southeastern direction to the Elys depot in Elys, Knox County, Kentucky, a distance of about two-eighths ($2/8$) of a mile.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the terms and conditions set out and provided in Chapter 17 of the Acts of the General Assembly of Kentucky of 1920, establishing and creating a primary system of State highways, the same as though said road had been named in said original act, as one of the projects of said primary system of State highways.

§ 3. The Highway Commission is hereby directed to assign the above road an appropriate project number.

§ 4. This road shall be officially known and designated as the Noah Smith Trail.

By Mr. Carter:

H. B. 64. An Act repealing Chapter 129 of the Acts of the 1934 General Assembly, being Section 2237-1, Kentucky Statutes, Baldwin's 1934 Kentucky Statute Service, consolidating the office of Jailer with that of Sheriff in each county of the State, and restoring to said jailer and sheriff, respectively, the duties now vested in them.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 129 of the Acts of the General Assembly of Kentucky 1934 Session, providing for the consolidation of the office of jailer with that of sheriff in each county of the

State, being Section 2237-1, Kentucky Statutes, Baldwin's 1934 Kentucky Statute Service, be and the same hereby is repealed and the jailer and sheriff in each of the counties of this Commonwealth are hereby restored to duties now by law vested in them, respectively.

Chapter 129 of the Acts of the General Assembly of Kentucky of 1934, being Section 2237-1, Kentucky Statutes, Baldwin's 1934, Kentucky Statute Service, hereby is expressly repealed.

By same:

H. B. 65. An Act to amend and re-enact Section 68b-4 Kentucky Statutes, Being Article 4 of Chapter 1 of the Acts of the 1930 General Assembly of Kentucky, relating to the licensing of dogs, and providing for one dog tax free to each family residing in this State.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 68b-4 Kentucky Statutes, being Article 4, of Chapter 1 of the Acts of the 1930 General Assembly, relating to the licensing of dogs, be and the same hereby is amended and re-enacted and when same is so amended and re-enacted it shall read as follows:

All license taxes hereinafter provided shall be receivable and license tags procurable at and during the same time in each calendar year that the State and County ad valorem taxes may by law be due and payable therein, beginning in 1936 for license taxes for the calendar year 1937. And on and before the first day of January one thousand nine hundred and thirty-seven and on and before the first day of January of each year thereafter, the owner of more than one dog shall apply to the sheriff or deputy sheriff, as hereinafter provided, of the county in which said owner resides, either orally or in

writing, for a license for each such dog, in excess of one, owned or kept by him. Such application shall state the breed, sex, color and markings of such dog or dogs for which application is made, and the name and address of the last previous owner; and shall be accompanied by a fee of one dollar for each male dog, in excess of one, which shall be tax free, and two dollars for each female dog, in excess of one, which shall be tax free, to any family residing within this State. The license fee for a sprayed (sprayed) female dog, in excess of one dog which is allowed to each family residing within this State free from tax or license fees, shall be the same as that for a male dog, provided that the owner presents a certificate from a licensed veterinarian stating that he has sprayed (spayed) said female dog. The veterinarian's certificate shall state the breed, age, color and markings of and the date on which said female dog was sprayed (spayed).

By Mr. Kirkman:

H. B. 66. An Act to establish as part of the primary system of public roads of the Commonwealth of Kentucky, a road beginning at the Public Square in Sharon Grove running north via Mt. Sharon and intersecting Clifty and Lewisburg road at Cliff Hill Church.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the Primary System of the Highways of the Commonwealth, a road beginning at Sharon Grove, Kentucky, and intersecting the Clifty and Lewisburg road at Cliff Hill Church.

Said project thus established to be entitled to all privileges and benefits governing the Primary System of Public roads of this Commonwealth.

By same:

H. B. 67. An Act establishing as a part of the primary system of public roads of the Commonwealth of Kentucky a road in Todd County, Kentucky, known as the Bells Chapple road.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the Primary System of public roads of the Commonwealth of Kentucky, a road beginning at the Davis Mill road at the Henry Thurston place running in a Southwest direction via Bells Chapple Church and intersecting the Kirkmansville-Trenton road at or near the farm of E. P. Bell. Said project thus established to be entitled to all privileges and benefits governing the Primary System of Public Roads of the Commonwealth of Kentucky.

By Mr. Myers:

H. B. 68. An Act repealing Chapter 81 of the Acts of the General Assembly of 1930 and Chapter 101 of the Acts of the General Assembly for 1934, being subsection "c" of Section 2739g-2 of Baldwin's Kentucky Statute Service, amending and re-enacting the same; defining passenger automobiles and providing for the registration fees of such motor vehicles and motorcycles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 81 of the Acts of the General Assembly of 1930 and Chapter 101 of the Acts of the General Assembly of 1934, the same being subsection "c" of Section 2739g-2,

Baldwin's Kentucky Statute Service, 1932 and 1934 Supplements, be repealed, amended and re-enacted, so that when said section is re-enacted it will read as follows:

Automobiles primarily designed for carrying passengers and having provisions for not more than seven passengers, including the operator, shall be classed as passenger automobiles and the annual registration fee for same shall be three dollars per year.

§ 2. The registration fee for each motorcycle shall be one dollar and fifty cents per year, and for each side car attached thereto one dollar per year.

By Mr. Mollette:

H. Res. 8. RESOLUTION authorizing Francis Phelps to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

Said resolution is as follows, viz:

WHEREAS, on the 14th day of December, 1935, Francis Phelps was traveling on the Mayo Trail, near Hager Hill, Kentucky, and whilst traveling upon said Mayo Trail he had a collision with a large truck, and that said collision was caused by the carelessness of the driver of said truck, in that he was traveling at an excessive rate of speed and on the wrong side of the road and that said accident took place on a sharp curve;

Whereas, the Ford car, 1936 Model, being driven by the said Francis Phelps was damaged in the sum of \$125.00, by reason of the collision, etc.;

Whereas, the truck herein mentioned was and is the property of the State of Kentucky, and was being used and operated at the time herein mentioned by the employees of the State Highway Commission in the performance of their duties:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Francis Phelps be, and he is hereby, authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either, in the Circuit Court in the county of his residence for such damages as he may have suffered, if any, by reason of the collision and negligence of the employees of the State Highway Commission. Said suit shall not be for an amount exceeding the sum of \$125.00, and in the event any judgment is recovered by the said Phelps in said suit for damages to himself, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer, and paid out of the General Fund.

By Mr. Gnau:

H. Res. 9. Resolution providing for a contingent-fund for the Clerk of the House and the Clerk of the Senate.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky, there is hereby appropriated out of the general revenues of the State, as a contingent fund, the sum of five hundred dollars (\$500.00) and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives of the Commonwealth, under the direction of said House, there is hereby appropriated out of the general revenues of the State, as a contingent fund, the sum of five hundred dollars (\$500.00). Said respective funds shall be paid out on warrant of the Auditor, issued on requisition of the Chief Clerk of the Senate and of the House of Representatives.

By Mr. Evans:

H. Res. 10. An Act appropriating the sum of Seventy-Five (\$75.00) Dollars per month for the use of the widow and children of Robert Rowland, deceased.

Said resolution is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. WHEREAS, on the 21st day of December, 1935, Robert Rowland while serving as a State Patrolman and in the discharge of his duty, attempted to arrest two men suspected of having violated the laws of this Commonwealth and the Federal Government, in the City of Franklin, Simpson County, Kentucky, was shot by said suspects, from which gunshot wound he died on the 22nd day of December, and Whereas, he left surviving him a widow and two infant children, leaving said widow and children in destitute circumstances:

Section II. It is hereby appropriated out of the General Expenditure Fund for the use and benefit of the widow of Robert Rowland deceased (Mrs. Hollis Rowland), and children of said decedent, the sum of Seventy-Five (\$75.00) Dollars per month.

Section III. The funds above appropriated should be paid monthly by the State Treasurer to a Trustee appointed by the County Court of Simpson County, and shall be disbursed by said Trustee under the order and direction of said Court as may best serve the interest of said widow and children of the said Robert Rowland, deceased.

Section IV. WHEREAS, said widow and children are in destitute circumstances, and have absolutely no funds with which to obtain food and clothing, and WHEREAS said children are too young to obtain gainful employment, Now thereby an emergency is declared to exist, and this action become a law upon its passage and approval by the Governor.

By Mr. Wells:

H. Res. 11. An Act appropriating the sum of Seventy-Five (\$75.00) Dollars per month for the use of the widow and children of Powell Hayes, deceased.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whereas, on the 21st day of December, 1935, Powell Hayes, while serving as a State Patrolman and in the discharge of his duty, attempted to arrest two men suspected of having violated the laws of this Commonwealth and the Federal Government, in the City of Franklin, Simpson County, Kentucky, was shot by said suspects, from which gunshot wound he died on the 22nd day of December, and whereas, he left surviving him a widow and three infant children, leaving said widow and children in destitute circumstances:

§ 2. It is hereby appropriated out of the General Expenditure Fund for the use and benefit of the widow of Powell Hayes deceased (Mrs. Nell Hayes) and children of said decedent the sum of Seventy-Five (\$75.00) Dollars per month.

§ 3. The funds above appropriated should be paid monthly by the State Treasurer to a Trustee appointed by the County Court of Warren County, and shall be disbursed by said Trustee under the order and direction of said Court as may best serve the interest of said widow and children of the said Powell Hayes, deceased.

§ 4. Whereas, said widow and children are in destitute circumstances, and have absolutely no funds with which to obtain food and clothing, and whereas, said children are too young to obtain gainful employment, now thereby an emergency is declared to exist, and this action become a law upon its passage and approval by the Governor.

Ordered that said bills and resolutions be referred.

The Speaker announced that he had referred—

H. Res. 9. To Committee on Kentucky Statutes No. 1.

Mr. Scheban offered the following resolution, viz.:

A great portion of public money is spent by the Federal Government and the several states for the prosecution and maintenance of criminals, and it has been proven that most crimes are traceable to maladjustments in the home, and that a more complete educational program participated in by all of the education agencies would greatly improve the condition of our domestic life.

One of the greatest contributing factors to the development of the Home is Education, to which task the Church and the School have dedicated themselves. In this complex age, influences have arisen which obstruct and mar the beauty of Domestic Life, the chief among these being maladjustments in the economics of the Home, outside attractions that lure parents from their responsibilities, and a lack of knowledge in the conduct of the Home.

Many agencies have come into existence which are now recognized as educational and are molders of public opinion. If the representatives of the various agencies could be called into conference to work out a unified program to improve our American Home, our social order would be greatly improved.

Be it Resolved, That the President of the United States is hereby requested to consider the advisability of calling a conference to be known as the "Conference on the American Home" and that this conference be under the direction of the Children's Bureau of the Department of Labor.

And that the three great branches of religion, representatives of public education, Teachers' Colleges, Universities, Parent-Teachers' Associations, Bar Associations, National Legislative Associations, the press, Radio Broadcasting Associations, authors and publishers, psychological societies, or-

ganizations for the prevention of crime, prison and juvenile authorities, Departments of Home Economics, and Judges of the Courts of Domestic Relations, theater guild, and movie industries, be requested to send delegates to participate in this Conference.

That this Conference shall consider the drafting of a uniform law on marriage and divorce, and other legislation that would improve our American Domestic Life, which may be submitted to the Congress of the United States and to the several states for their consideration. Further, that the various representatives attending this conference shall study how they may impart the knowledge of the sanctity of marriage, the place of the Home in our social order, Parental Responsibility, Child Welfare, and Home Economics to their constituents.

That copies of this resolution shall be sent to the President of the United States and the Secretary of Labor, and that this resolution be included in the Journal of the House.

Said resolution was adopted.

Mr. Garrett offered the following resolution, viz.:

Resolution asking for the pay rolls and expenditures of the various State Departments.

Whereas, the expenses of the State Government for a number of years have exceeded the income of the State; and,

Whereas, the present Administration and the present Legislature is attempting to balance the budget: Now, Therefore,

Be it Resolved by the House of Representatives:

That the State Inspector and Examiner, or the different departments of the State Government, furnish immediately to the House a statement of the expenses and pay rolls of the various departments for the month of July, 1935, as said month is the beginning of the fiscal year for 1935-36.

Copies of this resolution shall be furnished to each department of the State by the Clerk of the House.

Said resolution was adopted.

Mr. Silvers moved that the privilege of the floor be extended to The Hon. Robert Beatty, former member of the House.

Said motion was agreed to.

The yeas and nays being taken thereon, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Garland Embry	J. F. Ladd
Henry H. Allen	Clarence E. Evans	Leslie Larrimore
C. W. Anderson, Jr.	Walter R. Fannin	T. B. McConnell
H. T. Baker	Chas. P. Farnsley	J. L. McDermott
W. T. Baker	T. P. Fitzpatrick	Lloyd MacDonald
G. M. Ballard	H. Myer Garner	W. F. McGary
B. F. Bedford	G. W. Garrett	John Marshall
Reuben J. Boling	James Garnett, Jr.	C. S. Matherly
Douglas Bolling	Ferd A. Gnau	D. T. Matlack
Ollie J. Bowen	Eugene Gough	Duke Mayfield
Dr. R. A. Byers	Ben Grogan	G. S. Milam
V. O. Chandler	Jas. T. Hamilton	W. H. Miller
Floyd Clark	C. L. Hammons	John B. Mollett
Roscoe Claxon	W. L. Hampton, Jr.	W. E. Mull
George S. Clay	Thomas W. Hines	Rodes K. Myers
J. A. Coleman	Price Holbrook	J. C. Nickell
Roy Conway	Clyde S. Howard	Russell O'Neill
Herbert Cook	Ira W. Hulette	Mel Petry
Harry Davis	J. T. Jennings	A. W. Pfeiffer
Sam Dever	Ben W. Johnson	J. C. Ramey
Stanley S. Dickson	J. H. Jones	Hobart Rayburn
George W. Dunlap	O. C. Jones	Harry C. Records
Howard G. Early	R. T. Kirkman	L. K. Rice

Wade H. Riley	Dr. B. F. Shields	R. Van Bever, Jr.
Joe E. Robinson	Chester D. Silvers	S. J. Wagner
John C. Robinson	Bruce Sloan	Joseph L. Wall
W. T. Rollo	H. C. Steely	Henry Ward
Carl Scheben	Henry Stewart	L. R. Wells
Carl Schneider	Dr. H. S. Swope	W. G. Williams
Ray O. Shehan	W. R. Tapp	Charles Wylie

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Those who voted in the negative were—

Wallace Brown	M. T. McCarthy	P. L. Sidebottom
John M. Hunnicut		

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Mr. Milam moved that the privilege of the floor be extended to The Hon. J. T. Crenshaw, former member of the House and Mrs. Crenshaw.

Said motion was agreed to.

Dr. Shields moved that when the House adjourn to-day, it adjourn out of respect to the memory of the nephew of The Hon. J. A. Coleman, member of this House.

Said motion was agreed to.

A message was received from the Senate, announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 1. An Act to repeal, amend and re-enact subsection 2, Chapter 28, of the Acts of 1918, being Section 2223b-2, Kentucky Statutes, Carroll's Edition 1930, relating to the organization of loan and investment companies in cities of the first and second classes and extending the terms thereof to cities of the third class.

S. B. 2. An Act repealing Chapter 25 of the Extraordi-

nary Session of the General Assembly of 1934 known as the "Gross Receipts Tax Law of 1934" and declaring an emergency.

S. B. 9. An Act repealing Chapter 19 of the Acts of the Extraordinary Session of the General Assembly of 1934 pertaining to passenger automobiles and providing for registration fees.

S. B. 10. An Act repealing Chapter 20 of the Acts of the Extraordinary Session of the General Assembly of 1934, defining motor vehicles classed as trucks, providing for registration fees, etc.

Ordered that said bills be printed and referred.

Mr. Myers moved that a bill entitled:

S. B. 2. (For title, see Senate Message *ante.*)

Be laid on the Clerk's desk.

Said motion was agreed to.

Dr. Shields moved that the Rules of this House be suspended and that the House do now proceed to the consideration of the Orders of the Day.

Said motion was agreed to.

Thereupon the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 2. An Act repealing Chapter 25 of the Extraordinary Session of the General Assembly of 1934, known as the "Gross Receipts Tax Law of 1934", and declaring an emergency,

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 25 of the Acts of the Extraordinary Session of the General Assembly of 1934, known as the "Gross Receipts Tax Law of 1934", be and the same hereby is repealed. Provided, however, that the enforcement provisions of said law shall remain in full force and effect as to all taxes which may have become payable under said Act, and which have not been paid into the State Treasury, at the time of the effective date of this Act.

§ 2. Whereas the people of Kentucky have expressed themselves as predominately in favor of the repeal of the aforesaid "Gross Receipts Act of 1934"; and, whereas said tax constitutes an unfair and unreasonable burden on certain classes of taxpayers, an emergency hereby is declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Mr. Miller moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.;

Those who voted in the affirmative were—

F. T. Allen	Ferd A. Gnau	Rodes K. Myers
Henry H. Allen	Eugene Gough	J. C. Nickell
C. W. Anderson, Jr.	Ben Grogan	Russell O'Neill
H. T. Baker	Jas. T. Hamilton	Mel Petry
W. T. Baker	C. L. Hammons	A. W. Pfeiffer
G. M. Ballard	W. L. Hampton, Jr.	J. C. Ramey
B. F. Bedford	Thomas W. Hines	Hobart Rayburn
Reuben J. Boling	Price Holbrook	Harry C. Records
Douglas Bolling	Clyde S. Howard	L. K. Rice
Ollie J. Bowen	Ira W. Hulette	Wade H. Riley
Wallace Brown	John M. Hunnicut	Joe E. Robinson
Dr. R. A. Byers	J. T. Jennings	John C. Robinson
Jas. C. Carter	Ben W. Johnson	W. T. Rollo
V. O. Chandler	J. H. Jones	A. W. Ross
Floyd Clark	O. C. Jones	Carl Scheben
Roscoe Claxon	R. T. Kirkman	Carl Schneider
George S. Clay	J. F. Ladd	Ray O. Shehan
J. A. Coleman	Leslie Larrimore	Dr. B. F. Shields
Roy Conway	Robert E. Lee	P. L. Sidebottom
Herbert Cook	M. T. McCarthy	Chester D. Silvers
Harry Davis	T. B. McConnell	Bruce Sloan
Sam Dever	J. L. McDermott	H. C. Steely
Stanley S. Dickson	Lloyd MacDonald	Henry Stewart
George W. Dunlap	W. F. McGary	Dr. H. S. Swope
Howard G. Early	Elmer McGlothen	W. R. Tapp
Garland Embry	C. S. Matherly	R. Van Bever, Jr.
Clarence E. Evans	John Marshall	S. J. Wagner
Walter R. Fannin	D. T. Matlack	Joseph L. Wall
Chas. P. Farnsley	Duke Mayfield	Henry Ward
T. P. Fitzpatrick	W. H. Miller	L. R. Wells
H. Myer Garner	John B. Mollett	W. G. Williams
G. W. Garrett	W. E. Mull	Charles Wylie
James Garnett, Jr.	Tyler Munford	Mr. Speaker

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There voted in the negative—

G. S. Milam

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Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Myers moved that the Rules of this House be suspended and that the privilege of the floor be extended to The Hon. John Y. Brown, former Speaker of this House.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 8. An Act empowering and authorizing the Court of Appeals of the Commonwealth of Kentucky to render advisory opinion as to the constitutionality of any bill or measure pending in either the House or Senate during any regular or special session of the General Assembly of the Commonwealth of Kentucky upon written request by the Governor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Governor, by a request in writing, or either house of the General Assembly by a resolution of such house, may obtain the written opinion of the justices of the Court of Appeals of Kentucky, or a majority thereof, on important constitutional questions, and all such opinions shall be published in connection with the reported decisions of said court.

§ 2. The General Assembly of the Commonwealth of Kentucky being now in regular session and many important measures being introduced at its daily sessions, an emer-

gency is hereby declared to exist and this act shall take effect from and after its passage and approval by the Governor.

Mr. Garnett offered the following amendment to said bill, viz.:

Amend H. B. 8, in line 5, paragraph 1 of the printed bill that the words "connection with the reported decisions of said court" be stricken therefrom; and the words "volumes entitled 'Advisory Opinions of the Court of Appeals'" inserted therein.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Floyd Clark	Howard G. Early
Henry H. Allen	Roscoe Claxon	Clarence E. Evans
C. W. Anderson, Jr.	George S. Clay	Walter R. Fannin
H. T. Baker	J. A. Coleman	Chas. P. Farnsley
W. T. Baker	Roy Conway	T. P. Fitzpatrick
G. M. Ballard	Herbert Cook	H. Myer Garner
B. F. Bedford	Harry Davis	G. W. Garrett
Douglas Bolling	Sam Dever	James Garnett, Jr.
Ollie J. Bowen	Stanley S. Dickson	Ferd A. Gnau
Wallace Brown	George W. Dunlap	Eugene Gough

Ben Grogan	J. L. McDermott	John C. Robinson
Jas. T. Hamilton	Lloyd MacDonald	W. T. Rollo
C. L. Hammons	W. F. McGary	A. W. Ross
W. L. Hampton, Jr.	Elmer McGlothen	Carl Scheben
Thomas W. Hines	John Marshall	Carl Schneider
Price Holbrook	C. S. Matherly	Dr. B. F. Shields
Clyde S. Howard	D. T. Matlack	P. L. Sidebottom
Ira W. Hulette	Duke Mayfield	Chester D. Silvers
John M. Hunnicut	John B. Mollett	Bruce Sloan
J. T. Jennings	W. E. Mull	H. C. Steely
Ben W. Johnson	J. C. Nickell	Henry Stewart
J. H. Jones	Mel Petry	Dr. H. S. Swope
O. C. Jones	A. W. Pfeiffer	W. R. Tapp
R. T. Kirkman	J. C. Ramey	S. J. Wagner
J. F. Ladd	Hobart Rayburn	Joseph L. Wall
Leslie Larrimore	Harry C. Records	Henry Ward
Robert E. Lee	L. K. Rice	L. R. Wells
M. T. McCarthy	Wade H. Riley	W. G. Williams
T. B. McConnell	Joe E. Robinson	Charles Wylie

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Those who voted in the negative were—

Reuben J. Boling	W. H. Miller	Ray O. Shehan
Jas. C. Carter	Rodes K. Myers	R. Van Bever, Jr.
V. O. Chandler	Russell O'Neill	—8

Dr. Shields moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Davis moved that the House do now adjourn until Monday, January 13, at one o'clock P. M.

Said motion was agreed to.

And then the House adjourned.

MONDAY, JANUARY 13, 1936.

The House was opened with prayer by the Reverend R. B. Kelly of the Church of the Nazarene.

The roll was called and the following members answered to their names, viz.:

F. T. Allen	G. W. Garrett	G. S. Milam
Henry H. Allen	James Garnett, Jr.	W. H. Miller
C. W. Anderson, Jr.	Ferd A. Gnau	John B. Mollett
H. T. Baker	Eugene Gough	W. E. Mull
W. T. Baker	Ben Grogan	Tyler Munford
G. M. Ballard	Jas. T. Hamilton	Rodes K. Myers
B. F. Bedford	C. L. Hammons	J. C. Nickell
Reuben J. Boling	W. L. Hampton, Jr.	Russell O'Neill
Douglas Bolling	Thomas W. Hines	Mel Petry
Ollie J. Bowen	Price Holbrook	A. W. Pfeiffer
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	Harry C. Records
V. O. Chandler	J. T. Jennings	L. K. Rice
Floyd Clark	Ben W. Johnson	Wade H. Riley
Roscoe Claxon	J. H. Jones	Joe E. Robinson
George S. Clay	O. C. Jones	John C. Robinson
J. A. Coleman	R. T. Kirkman	W. T. Rollo
Roy Conway	J. F. Ladd	A. W. Ross
Herbert Cook	Leslie Larrimore	Carl Scheben
Harry Davis	Robert E. Lee	Carl Schneider
Sam Dever	M. T. McCarthy	Ray O. Shehan
Stanley S. Dickson	T. B. McConnell	Dr. B. F. Shields
George W. Dunlap	J. L. McDermott	P. L. Sidebottom
Howard G. Early	Lloyd MacDonald	Chester D. Silvers
Garland Embry	W. F. McGary	Bruce Sloan
Clarence E. Evans	Elmer McGlothen	H. C. Steely
Walter R. Fannin	John Marshall	Henry Stewart
Chas. P. Farnsley	C. S. Matherly	Dr. H. S. Swope
T. P. Fitzpatrick	D. T. Matlack	W. R. Tapp
H. Myer Garner	Duke Mayfield	R. Van Bever, Jr.

S. J. Wagner
Joseph L. Wall
Henry Ward

L. R. Wells
W. G. Williams

Charles Wylie
Mr. Speaker

Mr. Hammons moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Davis moved that the privilege of the floor be extended to Messrs. Lawrence Hammons and Garland Jones of Newport, Kentucky.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced and ordered printed, viz.:

By Mr. Bowen:

H. B. 69. An Act to amend and re-enact Section 1596a-14 of Carroll's Kentucky Statutes 1930. Relating to the Compensation of County Election Commissioners.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1596a-14 of Carroll's Kentucky Statutes be amended and re-enacted to read as follows:

The county board of election commissioners shall be paid for all services they may render under this act five dollars (\$5.00) per day while actually in session; but no member of such board shall be paid more than forty dollars (\$40.00) for his services during any year. Said board may provide itself with necessary books and stationery to enable it to perform its duties under this act. The amount of such expenditure

and the number of days the members of said board were actually in session shall be certified by the chairman of the board to the fiscal court of the county, and paid out of county funds.

To Committee on Suffrage and Election.

By Mr. Rice:

H. B. 70. An Act repealing Section 4399-34, Carroll's Kentucky Statutes, Baldwin's Revision of 1934, being Chapter 65, Article 5, Section 29, of the 1934 Acts of the General Assembly; and providing for the election of the county school superintendent by popular vote.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

At the regular November election, held on the first Tuesday after the first Monday in November, 1937, and every four years thereafter, there shall be elected in each county in this State, a county superintendent of public schools, who shall assume office on the first Monday in January, 1938, and hold said office for a period of four years, and until his successor has been elected and qualified. No person shall be eligible to the office of superintendent of county schools who does not hold a proper certificate in scholarship, administration, and supervision as provided by law; provided, however, that all county superintendents of schools at the time this act takes effect shall continue to serve to the end of the term for which they were appointed and qualified, unless sooner removed as now provided by law. Said superintendent of county schools shall be eligible for re-election, provided however, that the voters residing in any classified city or any independent school district shall not be eligible to vote in the election herein provided for.

The superintendent of county schools shall devote his entire time to the public schools and shall receive such compensation as the county board of education may direct, to be paid from the school funds in equal monthly installments, but it shall not be less than sixteen hundred dollars (\$1,600.00) per year.

In case of vacancy in the office of the superintendent of county schools from any cause whatever, said vacancy shall be filled as provided by Section 1526, Carroll's Kentucky Statutes.

The county superintendent of schools as executive officer of the county board of education shall see that the laws relating to the schools, the by-laws, rules and regulations of the State Board of Education, and regulations and policies of the County Board of Education are carried into effect.

The superintendent of county schools shall recommend for condemnation school buildings which are in his opinion unsanitary and unfit for use. He shall also recommend the repairs to be made on school buildings, the purchase of school sites and grounds and the sale of same, and make all such other recommendations as he deems necessary or advisable. He shall prepare or cause to be prepared at the direction of the County Board of Education, all plans and specifications for any and all school buildings to be erected or remodeled in his county.

The superintendent of county schools shall approve in writing all contracts, of any kind, entered into by the County Board of Education and no contract entered into by the County Board of Education without the written approval of the county superintendent of schools shall be valid.

The county superintendent of schools shall be the representative of the State Superintendent of Public Instruction in all examinations for teacher's certificates, conducted within the county and shall perform such duties connected therewith as may be required by law.

All laws in conflict herewith are hereby repealed.

To Committee on Education No. 1.

By Mr. Joseph E. Robinson:

H. B. 71. An Act relating to suffrage and elections and providing a method of registering voters in this Commonwealth residing outside of the city limits of cities of the first, second, third and fourth classes, and fixing penalties for violation of the law.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In each and every election held in the Commonwealth of Kentucky, wherein and whereby the voter expresses his suffrage by means of the secret ballot system, in all precincts outside of the corporate limits of cities of the first, second, third, and fourth classes, and in those precincts lying partly within and partly without the corporate limits of said cities, and where no means of registration is now provided by law, no ballot shall be delivered to any person offering to vote unless the voter's name appears on the registration book of the precinct in which he offers to vote.

§ 2. Every person in the Commonwealth residing outside of the cities of the first, second, third, and fourth classes, who is, or who may be as hereinafter set out, qualified to vote in any such election, and who desires to cast his vote, may register at the time and place, and in the form hereinafter set out.

§ 3. The first registration held under this Act shall be at the voting precincts in each county at the primary election to be held on the first Saturday in August, 1936, and on the date of said primary election every four years thereafter a new registration shall be held.

§ 4. Any person possessing the qualifications of a legal voter who is, or who may be as hereinafter set out, qualified to vote in any such elections and who desires to cast his vote, and who fails to register on such primary election date, may appear before the county court clerk of the county of the residence of such voter, between the tenth day of August and the tenth day of October, and between the tenth day of November and the tenth day of July (Sundays and legal holidays excepted) at any hour of the day the office of the County Court Clerk may be open for business. Said registration before the County Court Clerk shall be good until the next general registration day as provided herein. Any voter who wishes to change his party affiliation may appear before the clerk between said dates of any year, and upon his request, the clerk shall make said change on the registration book.

§ 5. No person shall be registered who does not personally appear before the officers on said primary election date, or who does not personally appear before the County Court Clerk at and within the times hereinbefore set out, except those hereinafter provided for, and the voter, if he be not known to the clerk, or if any bystander shall challenge the voter's right to register, shall be sworn by the clerk and shall answer any and all questions asked him by the clerk or bystander, touching his qualifications as a voter, or his right to be then and there registered, and on the registration book opposite the name of the voter, the clerk shall write the words, "sworn as to qualifications." Any voter otherwise qualified who, on account of age, infirmity or illness, is not able to attend the County Clerk's office of the county of his residence during the time between the dates above set out, may between the first and thirtieth day of September (both inclusive) be registered in the following manner: He shall present to the clerk by mail or at the hands of some friend, an affidavit stating that his failure to appear was due to age, infirmity or illness, and an affidavit of a physician or neighbor corroborat-

ing the voter's affidavit. Upon compliance with the foregoing the clerk shall enter his name on the registration book for the precinct of his residence, the same as if he had registered before the clerk in person.

If any such voter be unknown to the Clerk, or if his right to register be challenged, it shall be the duty of the Clerk to write opposite his name on the registration book the word, "questioned," and it shall be the duty of the election officers, when said voter applies for a ballot, if there be any doubt of his qualification to vote, to swear said voter, who shall, under oath, answer such questions as may be asked him touching his qualifications.

§ 6. It shall be the duty of the County Court Clerk of each and every county in this Commonwealth to prepare the proper form of registration books for the purpose of registration. He shall provide two registration books for each precinct, one marked "original," and the other, "copy." In the original and copy book he shall enter the names of the voter, with such other facts, data and remarks as may be required, which original and copy he shall at all times keep in a safe place in his office, except that the copy shall be furnished election officers as hereinafter provided. The book marked "copy" shall be an exact duplicate of the original, and in this book the Clerk shall copy for each precinct the names of the voters as shown on the original, together with such facts, data and remarks as appear on the original. The copy shall be made from the original within ten days after the tenth day of August and the tenth day of October, respectively, and every year thereafter preceding the next general registration year the Clerk shall add such voters as have been registered in the original book.

The Clerk of the County Court shall deliver at the same time he delivers the ballots, the book marked "copy" to the precinct election clerk for use in the election, and the election clerk shall give the County Court Clerk a receipt for same,

and it shall be the duty of the Clerk of the Election to produce (or see that same is produced) the book so delivered to him at the proper polling place in his precinct at the opening of the polls on each election day.

§ 7. The registration book shall be arranged so that the names of the voters may be registered alphabetically, together with the number of the precinct, and the name of the nearest neighbor resident. The Clerk shall also indicate the color of the registrant, and shall also indicate the party affiliation, by words, letters, or abbreviations, such as D. for Democrat; R. for Republican; P. for Prohibitionist; S. for Socialist; S. L. for Socialist Labor; I. for Independent, and such like.

The form of the registration book shall be as follows:

Name of Voter.

Nearest Neighbor.

Number and Name of Precinct.

Color.

Party Affiliation.

Remarks.

In case a voter moves from a precinct in which he has been registered and an election is to be held prior to the time when such voter may appear before the Clerk, and upon making oath as to his removal and indicating the precinct to which he has removed, the Clerk shall, under the heading "remarks," on the book of original registry, write the words, "removed to precinct" (filling in the name of the precinct to which the voter has removed), and shall at the same time register such voter in the book of the proper precinct.

§ 8. Any voter may, by giving five days' notice in writing, to any person whose name has been registered, move the county court to strike his name from the register, and both parties may introduce witnesses, not exceeding two in number on each side. Said notice must be served personally. If

at the hearing the court shall be of the opinion that the person registered is not lawfully entitled to register, it shall direct the clerk to strike his name from the register, by inserting opposite to it the words, "Stricken off by order of the county court." If the person upon whom notice is attempted to be served cannot be found, the clerk shall write opposite such name on the registration book the word "doubtful" and when at an election such person whose name is marked "doubtful" shall offer to vote he shall be sworn, and his right to vote investigated fully.

§ 9. The officers of the election shall, when a vote is cast, mark opposite the name of the person voting in the column headed "remarks" the word "voted," or letter "V," and unless such word, or such letter, be written therein it shall be *prima facie* evidence that the person against whose name nothing is written has not voted. It shall be the duty of the clerk of the election to return to the county clerk on the day of, or day immediately succeeding the election, the registration book for which the clerk shall give him a receipt.

§ 10. The furnishing and printing of the registration books, and all necessary books, printing and paraphernalia shall be paid for by the respective counties. It shall be the duty of the clerk to preserve the copies used by the election officers in conducting any election from year to year, adding each year the names of the voters registered in the original book. In case the copy or the original should become mutilated, badly torn, destroyed, burned or lost, such books, if possible, shall be replaced or recopied, for which the county shall pay the expenses. In case all books should be destroyed or lost, then a full registration shall be held in the succeeding year, as is above provided. The clerk may, if the necessity demands it, copy from either book to the other.

— § 11. Any county court clerk or deputy county court clerk who shall falsely or fraudulently register the name of any person, or permit any person to register, knowing that

such person is not entitled to register, or who shall fraudulently alter, change, or make erasures in, or add names to any registration book, or who shall register the name of any person at any other time or times, as fixed herein, or who shall fail or refuse to deliver to the person entitled thereto, or to the proper election officers, copies of the registration, or the copy of the books to be used in such elections as they are required to be used for, shall be deemed guilty of a felony and, upon conviction, punished by confinement in the penitentiary for not less than one nor more than three years, and shall thereafter be disqualified from holding any elective or appointive office in this Commonwealth.

§ 12. Any person who shall cause himself to be registered in more than one precinct, or in a precinct other than that in which he is a legal voter, or shall register under any name other than his real name, or who shall give a false address, or who in any manner or method shall cause himself to be registered when he is not legally entitled to register, or any person or officer who shall in any way aid, abet, counsel or advise in the commission of any such act, or acts, shall be deemed guilty of a felony, and upon conviction shall be confined in the penitentiary for not less than one year nor more than three years.

§ 13. Any county court clerk or election officer, or other person who shall unlawfully alter or change any registration book, or add any name thereto, or who shall willfully secrete, suppress, mutilate or destroy, or made, or use any false or fraudulent registration book, shall be deemed guilty of a felony, and shall be, upon conviction, confined in the penitentiary for not less than one nor more than three years.

§ 14. Any person who shall attempt to or forcibly prevent any person from registering, or shall in any way unlawfully interfere with any person registering, or shall prevent or interfere with a clerk in carrying out his duties with relation to the registration of voters, shall be deemed guilty

of a misdemeanor, and shall be fined not less than one hundred nor more than five hundred dollars, or imprisonment for not less than six months nor more than twelve months, or both, in the discretion of the court or the jury.

§ 15. The clerk of the county court shall permit any citizen to inspect at all reasonable hours, or to make copies of any registration book without any fee, and he shall also, upon request, furnish to any person requesting same a copy or copies of the registration book, or books, for which he shall receive compensation as provided in the succeeding section.

§ 16. The clerk for his services in the carrying out of the provisions of this law shall be entitled to collect the following fees:

For original registration, two cents for each person registered; for copying from the original registry into the "copy" book, or copying from the original for the use of any person, two cents per name, including data and remarks; for making copies of any registration books lost, mutilated or destroyed, two cents per name, data and remarks included; for all services with relation to the purging of the registration as hereinafter required, five cents for every name ordered stricken off, all of which expenses and fees shall be paid by the county, except where the copying be done for an individual requesting the copy.

The county court clerk shall appoint a deputy clerk for each and every voting precinct in his county, outside the corporate limits of any city of the first, second, third or fourth class, and in every precinct which lies partly without and partly within the corporate limits of any of said cities, who shall serve as such for one day only. On the day of the primary to be held in the year 1936, and on every primary election day every fourth year thereafter, each deputy clerk so appointed shall be provided with the registration book, and shall be present in the room where such primary election is held, and shall register as herein provided every person who

offers himself for registration, and who has the legal right to vote, or who will have the legal right to vote in the next succeeding election in said precinct. In precincts which lie partly without and partly within the corporate limits of any of the cities of the first, second, third, and fourth classes he shall register those voters only who live outside the corporate limits of said city. The clerk or one of the officers of the election shall write the name of the person so registering in the proper place in the "copy book" in his possession, filling in all blanks in the same manner as the county court clerk is directed to fill them in. In this manner any person entitled to register in the precinct shall be so registered, and when so registered, shall be entitled to vote in the primary election held on that date, and in all subsequent elections as provided in this act until the fourth year thereafter. Any officer of the election may challenge the right of such person to register, whereupon he may be sworn touching his right to so register, and, if registered, the clerk shall follow the same procedure as will be done in Section 5 hereof—provided for such cases. When the "copy book" is returned to the county court clerk, he shall immediately copy the names of the persons thus registered into the original book for the respective precincts, in his said office. The deputy county court clerk shall be entitled to a fee of two cents per name for all persons so registering, the claim to be certified by the county court clerk, and to be paid as provided in Section 10 hereof.

And provided further, that wherever in this act a duty is imposed on the county clerk, it may be performed by any deputy county court clerk, who may be subject to all penalties provided herein against the county clerk, and for the registration held at the primary election all penalties imposed upon the county clerk in the violation of this law, when such violations occur, shall be imposed upon the deputy clerk, or the clerk of the election. All election officers shall be liable to the penalty provided in Sections 12 and 13 hereof, for any viola-

tion of law mentioned in such cases, and for any violation or refusal to permit the deputy county court clerk to enter and remain in the voting room, or for any interference of such officer in the performance of his duties under this law shall be punished as provided in Section 14 hereof.

Nothing in this law shall be construed to prevent any soldier, sailor, officer or employee of the United States Government, or officer or employee of the Commonwealth of Kentucky, or any person coming within the meaning of the words, "absent voter," from registering in the manner now or as may hereafter be provided by law.

§ 17. All laws in conflict herewith are hereby repealed.

To Committee on Kentucky Statutes No. 1.

By Mr. Gnau:

H. B. 72. An Act to amend and re-enact subsection one of an Act known as Chapter 64 of the Acts of 1894 entitled "An Act for the appointment of County patrolmen."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Courts of this Commonwealth in counties having cities of the first class may, upon the petitions of 10 citizens and taxpayers in any Magisterial District in the County, appoint in such district not exceeding 10 patrolmen to keep the peace, and to continue in service 12 months, unless removed by the County Court for neglect of duty or improper conduct. None but discreet and sober citizens shall be appointed such patrolmen, and they shall take an oath in the County Court for the faithful and impartial performance of their duty, and shall give bond therefor with one or more sufficient sureties in the sum of One Thousand Dollars (\$1,-

000.00). And, when appointed, they shall have jurisdiction co-extensive with the whole County.

By Mr. Mollett:

H. B. 73. An Act amending and re-enacting Sections 2739g2(a), Carroll's Kentucky Statutes, regulating the registration and fees of automobiles and motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section No. 2739g2(a), Carroll's Kentucky Statutes, 1930 Edition, be amended and re-enacted so that when amended and re-enacted the same will read as follows:

Section 2739g2. Registration and fees.—(a) Application to County Clerk; Bill of Sale.—

Before the owner or operator of an automobile shall operate or be permitted to operate same, or shall permit the operation of same upon any public highway, such owner shall register with the commission through the clerk in the county in which he resides or in the county in which the automobile is to be operated, making application for registration to the clerk of such county on a blank to be furnished by the commission through the clerk, which application shall be accompanied by a bill of sale if the application be for the registration of a new car, or by exhibiting the owner's registration receipt if such automobile has theretofore been registered, and thereafter he shall register his automobile on or before the first day of January of each and every year, unless the owner file with the clerk his affidavit that said automobile has not been operated at all during any year or years, and if said affidavit is filed the clerk is authorized to register said automobile without making any charges for the year or years when same was not operated. Provided, that in so far as the owner

is concerned registration with the clerk as required by law shall be deemed to be registration with the commission.

By same:

H. B. 74. An Act relating to revenue and taxation and providing for the extension of Teachers' certificates in the Commonwealth of Kentucky; the length of time and by whom extended; providing for the payment of fee in connection with the extension of same.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That certificate issued to any teacher, which certificate expires in the year 1936, shall be extended one year beyond its expiration; and such extension shall be made or issued by the department of certification of the State Department of Education upon application from the teacher, together with a statement from the superintendent of the county or city in which said teacher making such application taught, certifying that said teacher had taught either in the school year of 1932-1933 or the school year 1933-1934, provided, however, such application shall be accompanied by a fee of Two Dollars (\$2.00) to be collected by the Department of Education and delivered to the State Treasurer to be credited to the General Expenditure Fund.

Any teacher who has taught for more than twenty years, or who has been in the school work for said period, with a certificate prior to the effective date of this Act, shall have a certificate for life, and the same shall be issued by the Department of Education of the Commonwealth of Kentucky.

All laws or parts of laws in conflict herewith are hereby repealed.

By Mr. Conway:

H. B. 75. An Act to amend and re-enact Section six, Chapter one hundred fifty-seven of the Acts of the General Assembly, one thousand eight hundred and ninety-three (Carroll's Kentucky Statutes, 1930 Edition, Section four thousand five hundred sixty), relating to the appointment of deputy sheriffs by adding thereto provisions prohibiting compensation of sheriffs and deputy sheriffs by private persons, firms or corporations, providing for the removal of sheriffs and deputy sheriffs so privately compensated and providing penalties for the violation thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section six, Chapter one hundred fifty-seven of the Acts of the General Assembly, one thousand eight hundred ninety-three (Carroll's Kentucky Statutes, 1930 Edition, Section four thousand five hundred sixty), be, and it is hereby amended and re-enacted so that said section as amended and re-enacted shall read as follows:

"Section 4560. Deputies; appointment and removal; oath; prohibition of private compensation; penalties.

(1) Every sheriff may, by and with the approval of the county court, appoint his own deputies, and may revoke the appointment at his pleasure. Before any deputy shall proceed to execute the duties of his office, he shall take the oath required to be taken by the sheriff. Any default or misfeasance in office of the deputy shall constitute a breach of the conditions of the official bond of his principal, and the sheriff shall be responsible in damages upon his official bond for any such default or misfeasance of any deputy, whether occurring while the deputy is acting under color of his office or otherwise.

(2) No sheriff or deputy sheriff shall receive any compensation or remuneration directly or indirectly from any per-

sons, firm or corporation for the performance of any service or duty, either private or public. The sheriff and his deputies shall receive for the performance of their public services and duties only such compensation or remuneration as may be regularly provided and paid out of public funds to the amount and in the manner provided by law. Any donation made by and person, firm or corporation to any governmental unit or officer thereof shall not constitute public funds within the meaning of this paragraph.

(3) No sheriff shall appoint or continue the appointment of any deputy contrary to the provisions hereof. Any sheriff or deputy sheriff who shall violate any of the provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars nor more than five thousand dollars, or confined in jail not to exceed one year, or both in the discretion of the Court; and upon any such conviction, his office shall *ipso facto* become vacant.

(4) Circuit courts shall have jurisdiction to hear and determine all matters arising under this Section, upon the filing of a petition by the prosecuting attorney, the attorney-general, or any three or more citizens of the county. Whenever it shall appear upon final hearing upon any such petition that the sheriff or any of his deputies are receiving their compensation, or any part thereof, from private sources in violation of the provisions hereof, the court, upon ascertaining such fact, shall enter an order forthwith removing from office any such sheriff or deputy sheriff so found to be receiving compensation from private sources, as aforesaid. In any proceeding under this Section a copy of the petition shall be served upon the person complained against, who shall have ten days within which to answer the allegations thereof. Thereafter such proceeding shall be heard and determined by the court either in term or in vacation, according to the ordinary rules governing proceedings in equity; provided, that in every case

the court, or the judge thereof in vacation, shall render a final decision therein within sixty days from the date of the filing of the petition. Any such proceeding may be instituted and prosecuted either in the circuit court of the county for which such sheriff or deputy sheriff is elected or appointed or in the circuit court of Franklin county.

(5) Any person who shall, directly or indirectly, pay or contribute, or cause to be paid or contributed, any money or other thing of value to any sheriff or deputy sheriff, either as a gift or donation, or for the performance of any public or private duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars nor more than five thousand dollars.

(6) The provisions of this Section shall be applicable to all deputy sheriffs for whatever purpose they may be appointed, whether regular or special deputies, or otherwise.

In case any part, subsection, clause, sentence, phrase or application of this Act shall be for any reason, declared unconstitutional by a court of competent jurisdiction, such decision shall not affect the remaining portion of this Act, which shall remain in force as if such Act had been passed without the unconstitutional part, subsection, clause, sentence, phrase or application having been incorporated herein, it being the legislative intent that this Act would have been passed in the language remaining after the elimination of so much hereof as may be declared unconstitutional.

All laws or parts of laws in conflict or inconsistent with the provisions of this Act are hereby repealed.

By Mr. McCarthy:

H. B. 76. An Act establishing as a State Primary Road, a road leading from Providence, Webster County, Kentucky, on State Primary Road Projects 2-A and 74, to intersect the Madisonville and Fredonia Road State Primary Road Project No. 317 and 417 at or near Rufus, in Caldwell County,

Kentucky, a distance of approximately eighteen miles, and designating said road as State Primary Road Project No.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, for the purpose of completing the primary road connecting State Primary Road Projects 2-A and 74 with State Primary Road Projects 317 and 417, there is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road leading from Providence, in Webster County, Kentucky, on State Primary Road Projects 2-A and 74, by the way of the Montgomery Ford Bridge on Tradewater River, to intersect State Primary Road Projects 317 and 417 at or near Rufus, in Caldwell County, Kentucky, a distance of approximately eighteen miles. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating the primary system of State highways.

§ 2. Said road shall be designated and known as State Primary Project No.

By Mr. McCarthy:

H. B. 77. An Act to amend Section 1482, Carroll's Revised Kentucky Statutes, 1933 Supplement Edition, being part of Chapter 83 of the Acts of the General Assembly of 1932 Regular Session, relating to primary and general elections and to the time of closing the polls, procedure; duty of officers respecting ballot boxes, penalties for violating duty, time of counting the ballots and announcing results, election commissioners' duty in regard to counting ballots and issuing certificates of elections or nominations in regard to said elections and repealing all conflicting laws.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When the hour of four P. M. has arrived the officers shall announce the same at the door of the voting room and close the polls. They shall take charge of the ballot box, at the booth, and in the presence of each other shall place the lock on the small vent in the lid and securely lock it, and return the key to the county clerk. Said election officers shall then stamp upon all unused stubs and ballots, with rubber stamp or by writing on the stub and the ballot attached thereto, the word, "unused", and place said stub or ballot book and all other utensils or election materials into a linen envelope, to be provided by the county clerk for that purpose, and shall seal with sealing wax across the seal of the envelope and place the county election seal upon said wax, so as to make the letters plainly visible in three different places on said envelope. The officers of election shall immediately deliver the ballot box, stub book and the envelope containing the unused ballots to the county clerk. The judge and the sheriff of election, of opposite faith, shall forthwith convey said ballot box, stub book and envelope to the county clerk's office, taking his receipt therefor. Said officers shall see that no person other than themselves has access to, or custody of, said ballot box, and they shall each remain in the presence of the other, until said box and envelope is delivered to the county clerk.

And any violation by them of any duty imposed upon them by this section with reference to such conveyance shall render them guilty of a misdemeanor and upon conviction thereof they shall be punished by a fine of not less than \$500.00, nor more than \$1,000.00 or imprisonment in the county jail for not less than sixty nor more than one hundred days, or both so fined and imprisoned within the discretion of the jury trying the case. Said officers shall also upon delivery to

the county court clerk of the ballot box and the poll books, certificates and the envelope containing the spoiled, mutilated and questioned ballots and the keys to the ballot box, together with the county election seal, each make an affidavit and file it with the county court clerk stating in substance that neither they nor anyone else took from the ballot box while in their custody any ballot or put into it any ballot, or in any manner whatever tampered with the contents of the ballot box and that it and its contents as well as all of the articles delivered by them to the county court clerk were and are in the same identical condition as when taken charge of by them at the closing of the polls, and for any false statement made in such affidavit the one so making it shall be subject to indictment and prosecution for false swearing and punished accordingly.

The ballot box shall remain locked, from the time it leaves the county clerk's office and is returned to said office, and until the county election commissioners shall unlock the same for the purpose of counting the ballots as herein provided.

The county court clerk, upon receiving said ballot box and envelope from the election officers shall receipt for the same and shall place said ballot boxes and envelopes in a secure and substantial place and shall keep a sufficient guard over said boxes and envelopes in a careful and painstaking manner until all the ballots have been counted by the election commissioners and those acting with them. Provided, that the chairman of each of the two dominant political parties, shall have the right, and each candidate to be voted for, at any election, may designate one or more persons to assist the county clerk and other guards, to guard the safety of the ballots in said clerk's office. The county clerk shall assist the county election commission, and shall act as its clerk in the counting and certifying of the ballots and the results of said election, for which he shall receive compensation to be allowed by the fiscal court.

The County election commission for the purpose of count-

ing the ballots in any primary or general election and the issuing certificates and making a report shall meet at five (5) o'clock p. m. on the same day of any primary or general election in the office of the county clerk and proceed as speedily as practical to count the ballots of every precinct in such county and at the finish of each and every precinct they shall announce the results at the door of the clerk's office and they shall fill out the blank in the back of the stub book provided for that purpose and each commissioner shall sign the same on a blank provided for that purpose.

The election commission is authorized to employ at county expense such clerical help as said commission may deem necessary to make said count and at the meeting of said commission on the day of election at five (5) O'clock p. m. on said day, as above set out, the commission shall stay in session for the purpose of ascertaining the results of said election until twelve (12) o'clock midnight of said day and that they may at their discretion adjourn the said tabulation or count of the said ballots until the following day at eight (8) o'clock a. m. except if the said following day be Sunday or a legal holiday, they may adjourn the said counting and tabulation until the following day succeeding the said Sunday or legal holidays, at their discretion and continue in session, Sundays and legal holidays excepted, at their discretion, until the final result of said election is finally completed.

The election commission, if unable to ascertain the result of the election in any county or fail to complete the count of all the precincts in said county by twelve (12) o'clock midnight on the day of said election, may adjourn the said meeting to another day, the reconvening of said commission shall be at eight (8) o'clock on the day set for reconvening and the count shall proceed during said day until six (6) O'clock p. m. or longer at the discretion of the said commission and each additional day they may be required to complete the said count, shall be at such hours as above set out.

There shall be provided by the county clerk a large sheet upon which to tabulate the vote of the whole county, district or municipality, so that each candidate can ascertain the number of votes in each precinct and the total number of votes in each precinct and the total number in the election unit, cast for him. If any ballots are found mutilated, defaced, marked or spoiled or otherwise questionable so that they are of doubtful integrity, the commission shall put all such ballots in a sealed envelope after writing on them and each of them, whether they have been counted, and for whom.

In any general or primary election held in this state or any county, district or municipality, the same procedure shall prevail and the county election commission shall count and certify the result in the manner herein provided.

The said election commission shall issue to successful candidates for office or nominations, their certificates of election or nominations in all county, magisterial districts or any subdivision of any county and shall certify the result of the election in their said county, to the Secretary of State in all elections or nominations, to be made for state and district officers and nominations.

In all general elections the governing authority of each political party, and in all primary elections, each group of candidates for an office, may designate to the county election commission, one representative each to meet with the county election commission, as herein provided, and it shall be the duty of said commission to permit said representative to assist in, and witness the count of the ballot in all the precincts of such county and each and all of said commissioners and said representatives, so designated, shall have equal and full opportunity to inspect and count said ballots, and it shall be unlawful for any county election commission or a majority thereof, to refuse to permit said representative to exercise full and free action in witnessing the count of said ballots and any interference with, or refusal, on the part of said

election commission, or either of them, to permit said representatives, either of a political party, or of a candidate, or group of candidates, to have a free and full opportunity to witness and observe the counting of said ballots, shall be guilty of a high misdemeanor, and upon conviction thereof shall be fined not less than one thousand dollars nor more than two thousand dollars or imprisoned in the county jail not less than six months nor more than twelve months in the discretion of the jury.

The county election commission after fifteen days, provided no contest is filed in any race against any candidate, shall return the keys to said ballot boxes to the county court clerk, but if any such contest, either of nominations or elections, has been filed, said commissioner shall hold said keys subject to the orders of the court trying such contest.

This act, shall govern both the conducting, holding, counting of ballots, and certifying of returns, in general and primary elections.

Nothing herein contained shall be construed to prevent the election commissioners in counties having cities of the first, second and third classes from employing extra tabulators, who under their supervision and responsibility may expedite the counting of the ballots.

All laws in conflict herewith, are hereby repealed.

The Speaker announced that he had appointed the following Standing Committees of the House, viz.:

Cities of the Second Class—Henry Ward, Chairman, Carl Scheben, H. C. Early, Thomas P. Fitzpatrick, Chester Silvers, Dr. Harry Swope, John McDermott, Sylvester J. Wagner.

Judiciary—Charles S. Matherly, Chairman, Ollie Bowen, Clarence Evans, James Garnet, Jr., Chester Silvers, Sam Milam, Charles Wylie, George Clay, F. T. Allen.

Fish and Game—Joseph L. Wall, Chairman, W. H. Mil-

ler, Floyd Clark, Dr. Harry Swope, D. T. Matlack, Henry H. Allen, W. T. Baker, A. W. Ross, T. B. McConnell.

Kentucky Statutes, No. 2—Tyler Munford, Chairman, Chas. P. Farnsley, Sam Milam, L. K. Rice, Herbert Cook, W. R. Tapp, J. C. Carter, H. T. Baker, Chas. Anderson.

Roads and Highways No. 2—W. G. Williams, Chairman, L. K. Rice, Floyd Clark, Frank McGary, Duke Mayfield, W. R. Tapp, G. M. Ballard, Walter R. Fannin, J. H. Jones.

The Clerk laid before the House the following communication, viz.:

Hon. Brooks L. Hargrove,
Chief Clerk, House of Representatives.

Dear Sir:

In compliance with House Resolution introduced by Representative Garrett of Owsley County and adopted by the House on January 10, 1936, I beg leave to submit herewith a copy of my report as State Budget Officer for the month of July, 1935, which shows, both in summary and in detail, the receipts and expenditures of all State agencies for that month.

The information as to expenditures, specifically requested in the House Resolution is to be found on pages 10 to 16, inclusive, of this report. These expenditures, of course, include the monthly payrolls. It will require some time and considerable work to compile the separate payrolls of all the State agencies. As soon as this can be done, I shall submit a further report covering payroll expenditures.

Respectfully submitted,

NAT B. SEWELL,
State Inspector and Examiner.

Said report is as follows, viz.:

Frankfort, Kentucky,

August 2, 1935.

Honorable Ruby Laffoon,
Governor of Kentucky,
Frankfort, Kentucky.

Dear Governor Laffoon:

In compliance with the provisions of Chapter 25 of the Acts of 1934, known as the Budget and Financial Administration Act, I beg leave to submit for your information and consideration the following financial statements and summaries covering the receipts and expenditures of the Commonwealth for the month of July, 1935. There are shown, also, budget allotments for the first six months of the present fiscal year with the unexpended balances of all budget allotments on July 31, 1935. This report was compiled by Warren M. Van Hoose, Assistant State Budget Officer, and Frank Knadler, Clerk in the State Budget Office, under my supervision.

Respectfully submitted,

NAT. B. SEWELL,
State Budget Officer.

STATEMENT SHOWING THE CONDITION OF VARIOUS FUNDS AS OF JUNE 30, 1935, AND JULY 31, 1935.

	As of June 30, 1935	As of July 31, 1935	Increase	Decrease
I. General Expenditure Fund:				
Warrants Outstanding:				
Current Warrants	\$19,086,329.85	\$19,086,765.20	\$435.35	
Warrants Prior to 1914	6,859.97	6,859.97		
Total Warrants Outstanding	\$19,093,189.82	\$19,093,625.17	\$435.35	
Add:				
Gross Receipts Tax Due Counties	\$ 577,363.87	\$ 898,589.38	\$ 321,225.51	
Gross Receipts Tax Due Sheriffs	109,089.42	123,362.95	19,273.53	
County Truck License Due Counties	529,368.20	510,821.17		\$ 18,547.03
1934-1935 Requisitions and Claims Unpaid	213,992.62	118,489.49		95,503.13
Total Liabilities Outstanding	\$20,523,003.93	\$20,749,388.16	\$ 226,384.23	
Cash Balance on Hand	2,297,303.82	3,613,372.83	1,316,069.01	
Net Deficit	\$18,225,700.11	\$17,136,515.33		
Deduct	17,136,515.33			
Net Decrease in Deficit	\$ 1,089,184.78			
II. Revolving, Private, Federal, and Trust Funds:				
Cash Balance on Hand	\$643,701.59	\$647,723.05	\$ 4,021.46	
Warrants Outstanding	17,972.22	27.22		\$ 17,945.00
Net Cash Surplus	\$625,729.37	\$647,695.83		
1934-1935 Requisitions and Claims Unpaid	181,397.07	73,053.87	\$21,966.46	
Net Fund Balances	\$444,332.30	\$574,641.96		108,343.20
Deduct		444,332.30		
Net Increase in Funds		\$130,309.66		

STATEMENT SHOWING THE CONDITION OF VARIOUS FUNDS AS OF JUNE 30, 1935, AND JULY 31, 1935—Cont.

	As of June 30, 1935	As of July 31, 1935	Increase	Decrease
III. State Road Fund:				
Cash Balance on Hand	\$1,346,060.98	\$1,370,081.51	\$24,020.53	\$13,565.07
Warrants Outstanding	1,102,679.58	1,084,114.51		
Net Fund Balances	\$ 243,381.40	\$ 285,967.00		
Deduct		243,381.40		
Net Increase in Fund		\$ 42,585.60		
IV. Other Cash and Fund Balances:				
National Industrial Recovery Act Fund	\$149,936.87	\$117,095.64	\$ 817.20	\$32,841.23
Highway Bridge Bond Fund	132,624.12	133,441.32		
Highway Bridge Bond Sinking Fund	72,066.70	152,908.19	\$ 80,841.49	
Total Other Cash and Fund Balances	\$354,627.69	\$403,445.15		
Deduct		354,627.69		
Net Increase in Funds		\$ 48,817.46		

STATEMENT OF CASH RECEIPTS DURING THE MONTH OF JULY, 1935.
CASH RECEIPTS—GENERAL EXPENDITURE FUND—Continued

	Receipts Dur- ing the Month of July, 1935
General Expenditure Fund:	
Direct Receipts—Less Transfers and Refunds.....	\$2,227,553.02
Truck License, County, and Refunds.....	7,693.88
Gasoline Taxes	45,000.00
Automobile Licenses	23,512.99
Motor Transportation Department Receipts.....	15,392.20
Total General Expenditure Fund	\$2,319,152.79
Revolving, Private, Federal, and Trust Funds.....	275,898.32
Road Fund:	
Direct Receipts—Less Refunds.....	\$ 16,941.05
Truck License, State	7,334.58
Gasoline Taxes	814,876.85
Automobile Licenses	16,104.65
Motor Transportation Department Receipts	3,244.14
Total Road Fund	\$ 858,501.27
Highway Bridge Bond Fund	817.20
Highway Bridge Bond Sinking Fund	80,841.49
National Industrial Recovery Act Fund	154.80
Net Receipts	\$3,535,365.87
Add Refunds:	
General Expenditure Fund	\$ 708.16
Revolving, Private, Federal, and Trust Funds....	80.50
Trustee of Jury Fund Surplus	7,611.10
	8,399.76
Grand Total	\$3,543,765.63

STATEMENT SHOWING THE AMOUNT OF WARRANTS ISSUED AND THE AMOUNT OF WARRANTS
PAID DURING THE MONTH OF JULY, 1935.

	Warrants Issued During the Month of July, 1935	Warrants Paid During the Month of July, 1935	Increase in Outstanding Warrants	Decrease in Outstanding Warrants
General Expenditure Fund	\$1,003,519.13	\$1,003,083.78	\$435.35	\$17,945.00
Revolving, Private, Federal, and Trust Funds	253,931.86	271,876.86		18,565.07
State Road Fund	815,915.67	834,480.74		
Highway Bridge Bond Fund				
Highway Bridge Bond Sinking Fund				
National Industrial Recovery Act Fund	32,996.03	32,996.03		
Totals	\$2,106,362.69	\$2,142,437.41		\$36,074.72
Add: Warrants Refunded:				
General Expenditure Fund	8,319.26	8,319.26		
Revolving, Private, Federal, and Trust Funds	80.50	80.50		
Grand Total	\$2,114,762.45	\$2,150,837.17		\$36,074.72

STATEMENT SHOWING THE CASH BALANCES IN THE TREASURY JUNE 30, 1935, THE CASH RECEIPTS
AND CASH DISBURSEMENTS DURING THE MONTH OF JULY, 1935, AND THE CASH BAL-
ANCES IN THE TREASURY, JULY 31, 1935.

	Cash Balances in the Treasury June 30, 1935	Cash Receipts During the Month of July, 1935	Total to be Accounted For	Cash Dis- bursements During the Month of July, 1935	Cash Bal- ances in the Treasury July 31, 1935
General Expenditure Fund	\$2,297,303.82	\$2,319,152.79	\$4,616,456.61	\$1,003,083.78	\$3,613,372.83
Revolving, Private, Federal and Trust Funds	643,701.59	275,898.32	919,599.91	271,876.86	647,723.05
State Road Fund	1,346,060.98	858,501.27	2,204,562.25	834,430.74	1,370,081.51
Highway Bridge Bond Fund	132,624.12	817.20	133,441.32	.....	133,441.32
Highway Bridge Bond Sinking Fund	72,066.70	80,841.49	152,908.19	.....	152,908.19
National Industrial Recovery Act Fund	149,936.87	154.80	150,091.67	32,996.03	117,095.64
Totals	\$4,641,694.08	\$3,535,365.87	\$8,177,059.95	\$2,142,437.41	\$6,034,622.54
Add:					
Warrant Refunds:					
General Expenditure Fund .....	.....	8,329.26	8,319.26	8,319.26	.....
Revolving, Private, Federal, and Trust Funds .....	.....	80.50	80.50	80.50	.....
Grand Totals	\$4,641,694.08	\$3,543,765.63	\$8,185,459.71	\$2,150,837.17	\$6,034,622.54

CASH RECEIPTS—GENERAL EXPENDITURE FUND
Statement Showing Cash Receipts by Departments and Sources

	Receipts During the Month of July, 1935
Agricultural Bureau:	
Stud License	\$ 228.00
Veterinary License	78.00
Live Stock Sanitary Board	100.00
Kentucky State Fair	
Forestry, State	
Banking Department:	
Securities Division	
Small Loan Act Division	
Department of Education:	
Certifications	5,344.11
Interest	
Miscellaneous Sales	
Free Textbook Sales	
Textbook Filing Fees	
Department of Health:	
Board of Pharmacy	
Board of Dental Examiners	28.00
Board of Trained Nurse Examiners	1,452.00
Board of Embalmers	1,708.98
Board of Chiropractic Examiners	
Department of Insurance:	
Tax on Foreign Insurance Companies	
Fire Prevention and Rates, ½ % Tax	
Fire Prevention and Rates, Miscellaneous	
Departmental Fees	5,023.00
Workmen's Compensation	4,146.49
Kentucky Library Commission	
Library Sales Account	489.25
Adjutant General	
Department of Mines and Minerals:	
Division of Geology	
Mine Foreman	97.53
Department of Public Accounts:	
Tax on Bank Deposits	
Tax on Building and Loan Associations	70,907.51
Inheritance Tax	57,580.87
Clerks' Occupational License	274,595.04
Clerk's License Penalties	523.97
County Clerks, Tax on Legal Processes	24,433.34
Circuit Clerks, Tax on Legal Processes	1,548.80
Trustee of the Jury Fund	7,611.10
Fines and Forfeitures	15,814.66
Corporation License Tax	26,473.69
Tax on Miscellaneous Corporations	6,345.32
Delinquent Taxes	10,249.76
Sheriffs' Revenue:	
Real Estate	
Intangible Property	21.27
Tangible Property	67.85

Statement Showing Cash Receipts by Departments and Sources—Continued

	Receipts During the Month of July, 1935
Tax on Oil	2,907.37
Tax on Oleomargarine	114.00
Tax on Railroads:	
Real Estate	
Intangible Property	
Franchise	
Race Track License	
Department of Public Property:	
My Old Kentucky Home Commission	1,464.50
Board of Examiners and Registration of Architects	
Public Buildings	62.55
Department of Revenue and Taxation:	
Gross Receipts Tax, Act of 1934	963,676.54
Gross Receipts, Car Licenses	8,042.42
Gross Sales Tax	
Chain Store Tax	29,352.49
Whiskey License	394,388.34
Whiskey Tax	99,278.02
Druggist Sales Tax	
Alcoholic Control Act	
Distilled Spirits, Special 2c Tax	
Distilled Spirits, Advalorem Tax	
Whiskey Relief	
Beer Tax	68,145.50
State Tax Commission	
Secretary of State:	
Tax on Organization of Corporations	2,545.90
Corporation Fees	350.30
Assistant Secretary of State	278.00
Land Office	27.00
State Treasurer, Interest on Deposits	20,527.54
Public Service Commission	70,280.97
Clerk of Court of Appeals, Fees	2,568.11
Tax on Appeals	190.50
Back Tax Reserve Fund	9,870.59
Money Refunded	2,761.80
State Board of Accountancy	20.00
Jefferson County Fees	34,263.31
Kenton County Fees	8,967.45
Athletic Board	206.88
Refunds	708.16
Totals	\$2,235,872.28
Deduct:	
Warrant Refunds	\$ 708.16
Trustee of Jury Fund Surplus	7,611.10
Total Deductions	8,319.26
Net Total	\$2,227,553.02

CASH RECEIPTS—REVOLVING, PRIVATE, FEDERAL, AND TRUST FUNDS

Statement Showing Cash Receipts by Departments

	Receipts During the Month of July, 1935
Dog License Fund	
Game and Fish Commission	\$ 10,400.45
Kentucky State Industrial College	14,841.33
West Kentucky State Industrial College	1,057.15
Morehead State Teachers College	
Murray State Teachers College	3,916.17
Eastern Kentucky State Teachers College	9,937.58
Western Kentucky State Teachers College	4,500.00
University of Kentucky—College Division	33,983.61
University of Kentucky—Experiment Station	8,980.12
Kentucky School for the Blind—Adult Workshop	
State Board of Health	11,934.12
Hazelwood Sanatorium	4,813.06
Board of Barbers and Beauticians	
Kentucky Crippled Children's Commission	100.70
Kentucky Library Commission	
Kentucky State Parks	540.15
Kentucky Progress Commission	34.10
Department of Public Welfare	
Drivers' License—Department of Public Safety	1,260.75
Operators' License Fund	543.00
My Old Kentucky Home Commission	432.30
Animal Licenses	
Revenue Agents' Revolving Fund	2,064.36
Jefferson County Master Commissioner	
State Historical Society	24.50
Insurance Examiners' Expense	567.50
Louisville Office—Insurance	277.28
Special Deposit Trust Fund (Road Contractors)	36,472.63
Forestry, Federal	755.83
Slaughter Fund, Educational	
Vocational Rehabilitation, Federal	10,690.27
Vocational Rehabilitation, Special	
University of Kentucky, Federal	42,750.00
Kentucky Historical Society, Stephenson Fund	
Department of Public Welfare, Chair Company	30,012.96
Vocational Education, George Ellzey, Federal	43,812.39
General Education Board	1,000.01
Jeanns Fund, Educational	
Vocational Education, Smith-Hughes, Federal	
Jefferson Davis Memorial Park	160.00
Kentucky State Industrial College, Federal	
Rosenwald Fund, Educational	36.00
Refunds	80.50
Total	\$275,978.82
Deduct Warrant Refunds	80.50
Net Total	\$275,898.32

CASH RECEIPTS—TRANSFER FUNDS**Statement Showing Cash Receipts by Sources**

Gasoline Taxes	\$859,876.85
Automobile Licenses	39,617.64
Department of Motor Transportation	18,637.04
Truck Licenses	15,028.46
Total	<u>\$953,159.99</u>

GENERAL EXPENDITURE FUND, DETAILED STATEMENT SHOWING THE TOTAL APPROPRIATIONS, THE AMOUNTS ALLOTTED, THE EXPENDITURES DURING THE MONTH OF JULY, 1935, AND THE BALANCE OF ALLOTMENTS JULY 31, 1935.

	Appropriation	Allotments, Six Months	Expenditures During July, 1935	Balance in Allotments July 31, 1935
Executive Department				
Contingent Fund	\$16,200.00	\$ 8,100.00	\$1,108.34	\$6,991.66
General Emergency Fund	6,000.00	3,000.00	500.00	2,500.00
Department of Agriculture:	25,000.00	12,500.00	.....	12,500.00
Salaries and Clerical				
Per Diem, Board of Agriculture	12,500.00	6,250.00	1,098.33	5,151.67
Corn Borer and Tobacco Warehouse	3,000.00	1,500.00	.....	1,500.00
Office and Other Expenses	5,000.00	2,500.00	150.00	2,350.00
Field Work and Special Premiums	6,000.00	3,000.00	.....	3,000.00
Salaries and Expenses, Labor Department	19,700.00	9,850.00	475.45	9,374.55
Stud Licenses	18,000.00	9,000.00	1,061.02	7,938.98
Immigration	1,500.00	750.00	125.00	625.00
State Fair, Operating Expenses	1,500.00	750.00	75.00	675.00
State Fair, Maintenance and Labor }	87,500.00	43,750.00	1,850.00	41,900.00
State Fair, Premiums				
State Fair, Bonded Indebtedness	25,000.00	25,000.00	.....	25,000.00
Diseases of Live Stock, General	23,000.00	23,000.00	.....	23,000.00
Diseases of Live Stock, Bang's Disease	5,000.00	2,500.00	.....	2,500.00
Live Stock Sanitary Board	5,000.00	2,500.00	100.63	2,399.37
Board of Veterinary Examiners	34,000.00	17,000.00	2,126.63	14,873.37
Boys' and Girls' Clubs	850.00	425.00	.....	425.00
Forestry Fund—State	5,000.00	5,000.00	.....	5,000.00
Department of Banking	13,500.00	6,750.00	1,040.00	5,710.00
Small Loan Act Division }	53,000.00	26,500.00	2,718.66	23,781.34
Securities Division				
Department of Education:				
Salaries	7,500.00	3,750.00	420.00	3,330.00
	65,000.00	32,000.00	4,158.33	27,841.67

Public School Expenses	15,000.00	7,500.00	135.00	7,365.00
Textbook Commission	500.00	250.00	.....	250.00
War Orphans Fund	1,000.00	500.00	.....	500.00
Scholarships, Ex-Service Men	500.00	250.00	.....	250.00
Certifications	15,000.00	7,500.00	1,383.72	6,116.28
Vocational Education, Teacher Training	25,000.00	12,500.00	1,611.41	10,888.59
Vocational Education, Agriculture and Economics	15,000.00	7,500.00	.....	7,500.00
Vocational Rehabilitation, State	21,380.55	10,000.00	1,069.76	8,930.24
Kentucky State Industrial College	70,000.00	35,000.00	2,330.73	32,669.27
West Kentucky State Industrial College	45,000.00	20,000.00	992.58	19,007.43
Kentucky School for the Blind:				
Department for White Children	58,500.00	29,250.00	.....	29,250.00
Department for Colored Children	7,200.00	3,600.00	.....	3,600.00
Workshop for Adult Blind	15,300.00	7,650.00	.....	7,650.00
Kentucky School for the Deaf:				
Department for White Children	128,000.00	64,000.00	4,146.55	59,853.45
Department for Colored Children	9,000.00	4,500.00	337.23	4,162.77
Morehead State Teachers College	194,400.00	97,200.00	14,260.80	82,939.20
Murray State Teachers College	194,400.00	97,200.00	20,490.00	76,710.00
Western Kentucky State Teachers College	347,400.00	173,700.00	31,265.55	142,434.45
Eastern Kentucky State Teachers College	239,400.00	119,700.00	19,345.40	100,354.60
University of Kentucky:				
College Division	679,000.00	339,500.00	33,311.63	306,188.37
College of Agriculture	25,500.00	12,750.00	.....	12,750.00
Summer School	9,000.00	9,000.00	4,494.00	4,506.00
Repairs	9,000.00	4,500.00	.....	4,500.00
Unpaid Salaries	71,100.00	72,100.00	.....	71,100.00
Experiment Station, Lexington	50,000.00	25,000.00	4,810.63	20,189.37
Experiment Station, Princeton	15,000.00	7,500.00	679.67	6,820.33
Experiment Station, Quicksand	15,000.00	7,500.00	435.83	7,064.17
Experiment Station, Analysis	22,000.00	11,000.00	1,642.17	9,357.83
Nursery Inspection	2,500.00	1,250.00	157.50	1,092.50
Agricultural Extension	126,000.00	63,000.00	16,022.06	46,977.94
Department of Finance and Budgetary Control	8,100.00	4,000.00	649.99	3,350.01
Department of Health:				
General	\$ 75,000.00			
General Diseases	7,500.00			

GENERAL EXPENDITURE FUND, DETAILED STATEMENT SHOWING THE TOTAL APPROPRIATIONS, THE AMOUNTS ALLOTTED, THE EXPENDITURES DURING THE MONTH OF JULY, 1935, AND THE BALANCE OF ALLOTMENTS JULY 31, 1935—Continued.

	Appropriation	Allotments, Six Months	Expenditures During July, 1935	Balance in Allotments July 31, 1935
Social Hygiene	\$ 4,500.00			
Trachoma	4,500.00			
Tuberculosis	38,750.00			
Trachoma Hospital	9,200.00			
Mothers and Child Health	20,000.00			
Dental Health	7,200.00	\$166,650.00	\$16,537.44	\$66,737.56
Hazelwood Sanatorium	\$ 40,000.00			
Free Beds, Hazelwood Sanatorium	12,500.00	26,250.00	1,904.00	24,346.00
County Health Departments	\$170,000.00			
County Health Units	44,000.00			
Relief Fund	100,000.00	157,000.00	30,684.65	126,315.35
Visiting Nurses	7,000.00	3,500.00		3,500.00
Kentucky Crippled Children's Commission	110,000.00	55,000.00	1,335.00	53,665.00
Board of Examiners of Trained Nurses	6,750.00	3,375.00	337.80	3,037.20
Board of Dental Examiners	4,050.00	2,025.00		2,025.00
Board of Chiropractic Examiners	1,080.00	540.00		540.00
Board of Pharmacy	6,750.00	3,375.00		3,375.00
Board of Embalmers	5,850.00	2,925.00		2,925.00
Department of Insurance, Fire Prevention and Rates	121,500.00	50,000.00	7,510.39	42,489.61
Department of Law:				
Attorney General	40,000.00	20,000.00	2,634.98	17,365.02
Costs of Suits	9,000.00	4,500.00	31.63	4,468.37
Kentucky Law Library, General	10,500.00	5,250.00	784.00	4,466.00
Distribution of Books	500.00	250.00		250.00
Repairs to Books	500.00	250.00		250.00
Library Sales Account	24,000.00	12,000.00		12,000.00

Law Library	3,500.00	1,750.00	626.92	1,750.00
Kentucky Library Commission	10,000.00	5,000.00	59.75	4,373.08
Kentucky State Historical Society	8,000.00	4,000.00	1,725.00	3,940.25
Adjutant General	33,750.00	16,875.00		15,150.00
Emergency Fund	2,250.00	1,125.00		1,125.00
Armory Fund	40,500.00	20,250.00	100.00	20,150.00
Aviation Fund	2,250.00	1,125.00	175.00	950.00
Confederate Pension Department	4,000.00	2,000.00	363.33	1,636.67
Confederate Veterans Board	4,000.00	1,000.00	120.00	880.00
Confederate Cemetery	100.00	50.00		50.00
Confederate Pensions	250,000.00	110,000.00		110,000.00
Department of Mines and Minerals	35,000.00	17,500.00	2,253.64	15,246.36
State Geologist, Salaries	3,000.00	1,500.00	987.45	8,012.55
State Geologist, Clerical	15,000.00	7,500.00		
Department of Public Accounts	63,000.00	31,500.00	4,049.66	27,450.34
Department of Public Property:				
Interest on Irredeemable Bonds	138,938.16	65,000.00		65,000.00
Superintendent of Public Buildings	27,000.00	33,000.00	2,624.30	30,375.70
Public Buildings, Repairs and Maintenance	45,000.00			
Executive Secretary		3,000.00	413.40	2,586.60
Division of State Parks	22,500.00	11,250.00	1,487.83	9,762.17
Division of State Purchases	7,200.00	3,600.00	581.66	3,018.34
Division of Kentucky Progress Commission	31,500.00	15,000.00	165.00	14,835.00
State Warrants, Interest and Retirement	1,600,000.00	800,000.00	111,291.10	688,708.90
Board of Examiners and Registration of Architects	1,035.00	517.50	18.00	499.50
My Old Kentucky Home Commission	9,000.00	4,500.00	495.25	4,004.75
Paper, Public Printing	40,000.00	20,000.00	375.00	19,625.00
Superintendent of Public Printing	4,500.00	2,250.00		2,250.00
Public Printing and Binding	18,000.00	14,000.00	5,410.26	8,589.74
Department of Public Welfare	1,575,000.00	782,500.00	44,007.36	738,492.64
Kentucky Children's Bureau	9,000.00	4,500.00	515.00	3,985.00
Kentucky Children's Home Society (White)	100,000.00	50,000.00		50,000.00
Kentucky Home Society for Colored Children	25,000.00	12,500.00	1,626.32	10,873.68
Colored Red Cross Hospital	4,500.00	2,250.00		2,250.00
Home for Incubables	16,200.00	8,100.00	1,555.45	6,544.55
Department of Revenue and Taxation:				
State Tax Commission	60,000.00	30,000.00	4,290.56	25,709.44
Gross Receipts Tax, Act of 1934	175,000.00	87,500.00	11,900.00	75,600.00

GENERAL EXPENDITURE FUND, DETAILED STATEMENT SHOWING THE TOTAL APPROPRIATIONS, THE AMOUNTS ALLOTTED, THE EXPENDITURES DURING THE MONTH OF JULY, 1935, AND THE BALANCE OF ALLOTMENTS JULY 31, 1935—Continued.

	Appropriation	Allotments, Six Months	Expenditures During July, 1935	Balance in Allotments July 31, 1935
Gross Sales Tax	\$35,000.00	\$17,500.00	\$1,995.00	\$15,505.00
Motor Transportation Department	70,000.00	35,000.00	5,150.00	29,850.00
Gasoline Tax	45,000.00	22,500.00	2,390.78	20,109.22
Automobile Department	150,000.00	75,000.00	6,720.00	68,280.00
Kentucky Alcoholic Control Act	150,000.00	75,000.00	9,244.07	65,755.93
Athletic Board of Control	4,000.00	2,000.00	.....	2,000.00
Secretary of State, Salaries and Expenses	20,000.00	10,000.00	1,783.33	8,216.67
Land Office	1,800.00	900.00	135.00	765.00
State Treasurer	19,800.00	9,900.00	1,330.83	8,569.17
Custodian of Securities	600.00	300.00	.....	300.00
Board of Bar Examiners	2,000.00	1,000.00	.....	1,000.00
Board of Election Commissioners	500.00	250.00	72.50	177.50
State Inspector and Examiner	36,000.00	16,000.00	1,497.77	14,502.23
State Board of Accountancy	600.00	300.00	.....	300.00
Judicial Council	900.00	450.00	.....	450.00
Railroad Commission	12,000.00	6,000.00	1,266.66	4,733.34
Workmen's Compensation Board	75,000.00	37,500.00	4,864.97	32,635.03
Public Service Commission	75,000.00	37,500.00	4,534.30	32,965.70
Lieutenant Governor	1,500.00	750.00	50.00	700.00
Legislative Session	170,000.00	.....	.....	.....
Court of Appeals	35,000.00	17,500.00	2,608.32	14,891.68
Clerk of Court of Appeals	17,000.00	8,500.00	1,241.66	7,258.34
Clerk's Services	120,000.00	60,000.00	7,101.08	52,898.92
Commission on Fines and Forfeitures	125,000.00	62,500.00	15,396.44	47,133.56
Criminal Prosecutions	450,000.00	225,000.00	40,518.04	184,481.96
Jury Commissioners	1,800.00	900.00	194.00	706.00
Return of Escaped Convicts	1,800.00	900.00	238.75	661.25
Rewards	500.00	250.00	.....	250.00

Salaries.....	275,000.00	137,500.00	22,257.65	115,242.35
Sheriff Paid Trustees.....	180,000.00	90,000.00		90,000.00
Trustee of the Jury Fund.....	337,500.00	168,750.00	63,401.39	105,348.61
American Legislators Association Fund.....	500.00	250.00		250.00
American Legislators Association—Delegates.....	500.00			
Back Tax Reserve Fund.....	18,000.00			
Bonds of Elective Officers.....	1,750.00	875.00		875.00
Conveyance of Lunatics.....	10,000.00	5,000.00		5,000.00
County Tax Commissioners.....	305,000.00	152,500.00	600.00	151,900.00
County Board of Supervisors.....	30,000.00	15,000.00	1.50	14,998.50
County Truck License.....	600,000.00	300,000.00	25,881.60	274,118.40
Frankfort Cemetery.....	250.00	125.00		125.00
Free Textbooks.....	500,000.00	250,000.00	510.00	249,490.00
Julius Marx Sanatorium.....	14,400.00	7,200.00		7,200.00
Jefferson County Fees.....	370,800.00	185,400.00	35,908.09	149,491.91
Kentucky Horticultural Society.....	6,750.00	3,375.00	22.00	3,353.00
Money Refunded.....	18,000.00	9,000.00		9,000.00
Overton Appropriation.....	600.00	300.00		300.00
Robinson Appropriation.....	600.00	300.00	50.00	250.00
Pauper Idiots.....	52,000.00	26,000.00	5,682.70	20,317.30
Public and Record Books.....	19,000.00	9,500.00		9,500.00
Relief.....	2,400,000.00	1,200,000.00	200,000.00	1,000,000.00
Sheriff Exonerations.....	13,500.00	6,750.00	12.24	6,737.76
State Planning Board.....	20,000.00	10,000.00	790.00	9,210.00
Common School Fund.....	8,238,561.84	5,000,000.00		5,000,000.00
Columbus-Belmont Park—Balance of Old Appropriation.....	603.19	603.19		603.19
Kentucky Disabled Ex-Service Men's Board.....	20,000.00	10,000.00	1,690.80	8,309.20
Total.....	\$23,181,398.74	\$12,411,310.69	\$900,698.20	\$11,510,612.49

Add: Non-Budget Expenditures (Page 16) \$ 7,317.80.

1934-1935 Claims Paid in July (Page 1) 95,503.13

Grand Total Expenditures, General Expenditures Fund \$1,003,519.13.

**TOTAL EXPENDITURES—REVOLVING, PRIVATE, FEDERAL, AND
TRUST FUNDS**

	Receipts During the Month of July, 1935
Dog Licenses	\$ 750.00
Animal Licenses	
Game and Fish Commission	944.96
Kentucky State Industrial College	3,725.98
West Kentucky State Industrial College	579.64
Workshop for Adult Blind	
Morehead State Teachers College	
Murray State Teachers College	2,461.29
Western Kentucky State Teachers College	3,237.12
Eastern Kentucky State Teachers College	1,992.94
University of Kentucky, College	30,528.52
Experiment Station	6,026.50
Department of Health	7,871.78
State Tuberculosis Sanatorium	1,059.67
Board of Barber and Beautician Examiners	40.00
My Old Kentucky Home	182.73
Department of Public Safety	2,183.00
Department of Public Welfare	
Operators' Licensed Fund	1,240.00
Revenue Agents (Back Tax Reserve)	1,954.79
Historical Society	
Kentucky Library Commission	
Kentucky State Parks	93.60
Insurance Examiners' Expense	567.50
Special Deposit Trust Fund (Road Contractors).....	29,372.63
Forestry, State Fair	
Forestry, Federal	
Vocational Education, George-Ellzey	
Vocational Education, Slater	
Vocational Education, Jeanes	197.00
Vocational Education, Smith-Hughes	1,286.40
Vocational Rehabilitation, Federal	1,119.75
University of Kentucky, Morrill-Nelson	
General Education Board	1,564.92
National Park Commission	
Jefferson Davis Memorial Park	150.00
Public Welfare, Chair Company	26,300.00
Kentucky State Industrial College, Federal.....	20,121.94
Julius Rosenwald Fund, Educational	36.00
State Historical Society—Stephenson Fund	
Total	\$145,588.66
1934-1935 Claims Paid in July (Page 1)	108,343.20
Add:	
Grand Total	\$253,931.86

TOTAL NON-BUDGETED REFUNDS AND EXPENDITURES

	Expenditures During July, 1935
Insurance, Examiners' Expense	
Insurance Department, Louisville Office	
Kentucky Alcoholic Act	
Kenton County Fees	\$ 6,737.38
Interest on State Deposits (Federal Funds)	171.31
Truck License Refunds	359.31
Automobile License Refunds	43.60
Motor Transportation Refunds	
Inheritance Tax Refunds	6.20
Interest on Land Grants	
Refunds of Cash Receipts	
Judgments	
Total	<u>\$7,317.80</u>

SUMMARY BUDGET STATEMENTS—GENERAL EXPENDITURE FUND

As of July 31, 1935

The total of cash receipts credited to the General Expenditure Fund during the month of July, 1935, was \$2,319,152.79. This amount includes receipts not applicable to the present budget as follows: Non-budgeted refunds and expenditures, \$7,317.80; one-third of the Gross Receipts Tax, due the various counties, \$321,225.51; two per cent of the Gross Receipts Tax, due the various sheriffs, \$19,273.53. Deducting these special receipts, amounting to \$347,816.84, from the gross amount of \$2,319,152.79, there remains \$1,971,335.95 of the total collections available for the present budget.

Excess Receipts Over Expenditures

Total Receipts Available	\$ 1,971,335.95
Total Warrants Issued, Chargeable to Allotments	<u>900,698.20</u>
Excess Receipts	\$ 1,070,637.75

Budget Summary

Total Appropriations	\$23,181,398.74
Unallotted Appropriations	<u>10,770,088.05</u>
Appropriations Allotted	\$12,411,310.69
Warrants Issued	<u>900,698.20</u>
Net Balance of Allotments	\$11,510,612.49

Appropriation Summary

Total Appropriations	\$23,181,398.74
Unallotted Appropriations	<u>\$10,770,088.05</u>
Unexpended Balance of Allotments	<u>11,510,612.49</u>
Total Unexpended Balance of Appropriations	22,280,700.54
Total Appropriations Expended	<u>\$ 900,698.20</u>

SUMMARY BUDGET STATEMENTS—GENERAL EXPENDITURE FUND—
Continued

Deficit Decrease—General Expenditure Fund

Excess Receipts Over Budget Requirements	\$ 1,070,637.75
Reduction in County Truck License Liability	18,547.03
Total Decrease in General Expenditure Fund Deficit	\$ 1,089,184.78

MISCELLANEOUS STATEMENTS

Gross Receipts Tax

Collections During Fiscal Year Ending June 30, 1935	\$ 9,044,458.13
Collected During July, 1935	963,676.54
Total Collections Reported, July 31, 1935	\$10,008,134.67

Gross Receipts Tax Due Counties

One-Third of Total Collections	\$ 3,336,044.89
Amount Distributed to Counties	2,437,455.51
Balance Undistributed	\$ 898,589.38

Gross Receipts Tax Due Sheriffs

Two Per Cent of Total Collections	\$ 200,162.69
Amount Allotted for Payment	160,000.00
Balance Unallotted	\$ 40,162.69
Amount Allotted	\$160,000.00
Amount Paid to Sheriffs	71,799.74
Balance of Allotment Unpaid	88,200.26
Total Balance Due Sheriffs	\$ 128,362.95

Interest-Bearing Warrants Paid

During the Month of July, 1935	\$ 3,917.30
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County Truck License Due Counties

Balance Due, June 30, 1935	\$ 529,368.20
Truck License Receipts During July, 1935	\$15,028.46
Less Truck License Refunds	359.31
Net Receipts	\$14,669.15
Less One-Half Transferred to State Road Department	7,334.58
One-Half Due Counties	7,334.57
Total	\$ 536,702.77
Less Distribution to Counties	25,881.60
Balance Due Counties	\$ 510,821.17

STATEMENT OF ACCOUNTS RECEIVABLE

As of July 31, 1935

The following Departments and Institutions have submitted reports of accounts receivable due the State on July 31, 1935, as follows:

State Highway Commission	\$ 9,591.86
Kentucky State Board of Nurse Examiners	1,632.00
Total	<u>\$11,223.86</u>

The following Department reports no accounts receivable due on July 31, 1935:

AUTOMOBILE DEPARTMENT

Dr. Shields moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

The Speaker announced that he had referred the following bills:

H. B. 3. To Committee on Cities, 2nd Class.

H. B. 4. To Committee on Cities, 2nd Class.

H. B. 5. To Committee on Public Utilities.

H. B. 6. To Committee on Judiciary.

H. B. 7. To Committee on Judiciary.

H. B. 12. To Committee on Cities 3rd Class.

H. B. 13. To Committee on Constitutional Amendments.

H. B. 14. To Committee on Codes of Practice.

H. B. 15. To Committee on Judiciary.

H. B. 16. To Committee on Codes of Practice.

- H. B. 21. To Committee on Suffrage and Elections.
- H. B. 22. To Committee on Kentucky Statutes No. 1.
- H. B. 23. To Committee on Insurance, Life and Casualty.
- H. B. 24. To Committee on Judiciary.
- H. B. 25. To Committee on Roads and Highways No. 2.
- H. B. 27 To Committee on Criminal Law.
- H. B. 28. To Committee on Roads and Highways No. 2.
- H. B. 29. To Committee on Roads and Highways No. 2.
- H. B. 31. To Committee on Circuit Courts.
- H. B. 32. To Committee on Codes of Practice.
- H. B. 34. To Committee on Fish and Game.
- H. B. 35. To Committee on Fish and Game.
- H. B. 36 To Committee on Fish and Game.
- H. B. 56. To Committee on Roads and Highways No. 2.
- H. B. 57. To Committee on Cities, 2nd Class.
- H. B. 58. To Committee on Kentucky Statutes No. 1.
- H. B. 59. To Committee on Kentucky Statutes No. 1.
- H. B. 61. To Committee on Roads and Highways No. 2.
- H. B. 62. To Committee on Roads and Highways No. 1.

H. B. 63. To Committee on Roads and Highways No. 2.

H. B. 66. To Committee on Roads and Highways No. 2.

H. B. 67. To Committee on Roads and Highways No. 2.

H. B. 68. To Committee on Roads and Highways No. 1.

H. B. 37. To Committee on Education No. 1.

H. B. 10. To Committee on Kentucky Statutes No. 1.

Dr. Shields moved that the House do now recess until two-thirty o'clock P. M.

Said motion was agreed to.

The hour of two-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Myers moved that the Rules of this House be suspended for the purpose of introducing bills and resolutions.

Said motion was agreed to.

Thereupon the following bills and resolutions were introduced, ordered printed and referred as follows, viz.:

By Mr. Myers:

H. B. 78. An Act repealing and re-enacting sections one, two, four, six and seven of Article IX of the Acts of the General Assembly of 1934, being sections 4506-1, 4506-2, 4506-4, 4506-6, 4506-7, Kentucky Statutes, Carroll's Edition, 1934 Supplement, pertaining to the retirement of teachers from the common schools of the State of Kentucky and extending the privileges of said statutes to include cities of the third class

as well as cities of the first and second classes, and declaring the existence of an emergency and providing for the repeal of all acts and parts of acts which may be inconsistent therewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sections one, two, four, six and seven of Article nine of the Acts of the General Assembly of 1934, being Sections 4506-1, 4506-2, 4506-4, 4506-6, 4506-7, Kentucky Statutes, Carroll's Edition, 1934 Supplement, be and the same are hereby repealed and re-enacted so that as and when re-enacted said section shall read as follows:

Section 4506-1. Boards of education of independent school districts embracing cities of the first, second and third classes may and are hereby empowered to establish retirement systems for the purpose of providing retirement allowances and other benefits for teachers and other school employees. A retirement system so created shall have the powers and privileges of a corporation and shall be known as "The Teachers' Retirement System of the Schools of.....; Kentucky," and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held.

Section 4506-2. In independent school districts embracing cities of the first, second and third classes which are already operating insurance and annuity systems, for teachers or for teachers and other employees, full authority to adopt, modify, change or revise the present systems, including pensions already granted, is by this act conferred upon the boards of education of such school districts, subject to the approval of the board or governing body of the existing system and subject also to the provisions hereinafter stated.

Section 4506-4. Each board of trustees of retirement sys-

tems in independent school districts embracing cities of the first, second and third classes may adopt, subject to the provisions of this act, such regulations as are necessary to the effective operation of the retirement systems without regard to regulations adopted by any other such board of trustees.

Section 4506-6. The participating teachers and other employees, and the board of education in districts in which such retirement system is continued, reorganized or established may contribute to the retirement fund and the rates of the contribution shall be fixed by the board of trustees of the retirement system on the basis of careful actuarial investigations, and shall be adequate and sufficient to support the benefits granted in the system set up; provided that the total contribution of the board of education shall be at least the equal of the total contributions of the members of the system. The board of trustees of the retirement system may increase or decrease the rates of contribution whenever such action is deemed by them to be necessary to preserve the solvency and equity of the system as determined by actuarial studies, provided that the contribution of the board of education of a city of the first class shall in no case exceed the returns from a tax rate of four and one-half cents ($4\frac{1}{2}c$) on each one hundred dollars (\$100) of assessed valuation subject to local school tax in said district, and that the contribution of a board of education of a city of the second or third class shall in no case exceed the returns from a tax rate of four cents ($4c$) on each one hundred dollars (\$100) of assessed valuation subject to local school tax in said district.

Section 4506-7. It shall be the duty of the board of education in cities of the second and third classes, the board of aldermen in cities of the first class, or such other agency to which the General Assembly may in the future delegate the function of levying taxes for local school purposes in independent school districts embracing cities of the first, second and third classes, to levy the tax recommended by the Board

of Trustees of the retirement system; provided that the rate of taxation in a city of the first class shall not exceed four and one-half cents ($4\frac{1}{2}c$) on each one hundred dollars of assessed valuation subject to local school tax in said district, and provided the rate of taxation in a city of the second or third class the rate shall not exceed four cents ($4c$) on each one hundred dollars of assessed valuation subject to local school tax in said district.

On account of the immediate necessity for the inauguration of a retirement system to take care of infirm and incapacitated teachers, an emergency is declared to exist and this act shall become effective immediately upon its passage by the General Assembly and its approval by the Governor.

All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

By Mr. Silvers:

H. B. 79. An Act repealing and re-enacting Section 1596a-14, Carroll's Kentucky Statutes, 1930 Edition, providing for the compensation of county election Commissioners in the several counties of the Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1596a-14, Carroll's Kentucky Statutes, 1930 Revised Edition, is hereby repealed and re-enacted so that, when re-elected, said section shall read as follows:

“The compensation to be paid members of the County Boards of Election Commissioners in the several Counties of this Commonwealth for their services in the holding of elections, and in determining the results thereof, shall be fixed by the Fiscal Courts of such counties, and in determining a proper and reasonable allowance for the members of said County Boards of Election Commissions, the Fiscal Court may take

into consideration the number of votes counted by said Board or its assistants, the cost of counting said votes, and the number of days necessary for said Board to be in session in the performance of its duties."

To Committee on Kentucky Statutes No. 1.

By Mr. Kirkman:

H. B. 80. An Act establishing as a part of the primary system of public roads of the Commonwealth of Kentucky, a road in Todd County known as the Daysville and Penicktown road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is established as a part of the primary system of public roads of the Commonwealth of Kentucky, a road starting at U. S. Highway No. 68, about one-fourth ($\frac{1}{4}$) of a mile west of Daysville, in Todd County, and intersecting the Elkton-Allensville road near the farm of Waller and Weathers.

To be entitled to all privileges and benefits governing the Primary System of Public Roads of the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By same:

H. B. 81. An Act establishing as a part of the Primary System of Public Roads of the Commonwealth of Kentucky a road in Todd county known as the Chestnut Community Road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is established as a part of the primary system of public roads of the Commonwealth of Kentucky, a road leaving State Highway No. 181 at Rudd's Store about three miles south of the town of Elkton and, running in an easterly direction, crossing the Elk Fork of Red River between the farms of Power and E. L. Traughber and connecting with the New Allensville road on the property between Traughber and Keeling, thence with the Allensville road eastward to the east side of Traughber's farm, thence northward over a new road to the Elkton-Allensville highway. To be entitled to all privileges and benefits accorded other roads of State Highway System.

To Committee on Roads and Highways No. 2.

By same:

H. B. 82. An Act establishing as a part of the Primary System of Public Roads of the Commonwealth of Kentucky a road in Todd and Christian counties known as the Millers Mill road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is established as a part of the Primary System of Public Roads of the Commonwealth of Kentucky, a road known as the Millers Mill road beginning in U. S. Highway No. 41 in Trenton, Kentucky, and following as near as practicable the old Millers Mill road to Barkers Mill in Christian County via Mail Route road and by residence of W. O. Watts.

To be entitled to all privileges and benefits governing the

Primary System of Public Roads of the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Fitzpatrick:

H. B. 83. An Act to amend and re-enact Section 3142b-4, Carroll's Kentucky Statutes, 1933 Supplement, so as to provide for the levy of a tax to maintain the Pension Fund for the pensioning of Police and Firemen in cities of the second class and to provide for the sources of said fund and the investment of same.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there shall be levied and set apart by the Board of Commissioners of cities of the second class a tax for the year nineteen hundred and thirty-four and for each and every year thereafter, not exceeding five cents on each one hundred dollars value of taxable property in said cities for said year as a fund for the pensioning of any policeman or fireman who has served in the police and fire department for at least a period of twenty years, the last five years of which shall be consecutive, next before any application for pension shall be filed or allowed, and who shall retire from the service after said period, and for the further purpose of pensioning any member of the police and fire departments who may become permanently crippled while in the service and on duty, and for the further purpose of pensioning the widow or dependents, children under the age of fourteen years, or either of them, or any member of either department who may lose his life while in the service and on active duty. And all rewards, fees, proceeds or gifts and emoluments that may be paid or given on account of extraordinary service of any officer, mem-

ber or employee of the department shall be paid in the treasury to the credit of the police and firemen's pension fund. The payment so made, together with the tax levy aforesaid, shall constitute and be kept as a fund, to be called the Police and Firemen's Pension Fund, and the said board heretofore designated is hereby declared to be the trustee of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to take all the necessary remedies in the premises, and as so amended said section is hereby re-enacted and all laws or parts of laws in conflict herewith are repealed.

To Committee on Kentucky Statutes No. 1.

By same:

H. B. 84. An Act to amend and re-enact Section 3235DD-35 so as to limit the power of the Board of Commissioners to ordain and put into execution by-laws, rules and regulations for the government of the fire department of cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3235DD-35, Carroll's Kentucky Statutes, 1933 Edition, be and the same is hereby amended by inserting in the second paragraph thereof, after the words "may be deemed expedient" the following: "except that no member of a Fire Department herein authorized to be created, shall be compelled to remain on duty for more than twenty-four (24) hours in each consecutive period of forty-eight (48) hours unless such duty may become necessary by reason of fire,

casualty, or other emergency'' and that the second paragraph of said section, as so amended, be re-enacted so as to read as follows:

The City Manager shall have full control over the Police and Fire Departments of the City together with all the property and paraphernalia belonging thereto, and shall have the power to appoint a Chief of Police and all Policemen and Chief of the Fire Department and all subordinates, and the Board of Commissioners are empowered to ordain and put into execution such by-laws, rules and regulations for the government of each of said departments as may be deemed expedient except that no member of a Fire Department herein authorized to be created, shall be compelled to remain on duty for more than twenty-four (24) hours in each consecutive period of forty-eight (48) hours unless such duty may become necessary by reason of fire, casualty, or other emergency and to prescribe the qualifications, duties and grade of the members and officers of each department.

To Committee on Kentucky Statutes No. 1.

By Mr. Hulette:

H. B. 85. An Act establishing as part of the primary system of the State Highways of the Commonwealth a road in Franklin County, Kentucky, known as the Gregory Pike, same beginning at the point in the Peaksmill and Elmville Road where the Gregory Pike as it now exists intersects it and continuing in a northern direction along the present location of the said Gregory Pike a distance of about 2½ miles to a point where the said Gregory Pike as now located intersects the survey of the new road leading from the Stamping Ground and Owenton Road to the Owenton and Frankfort Road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established a part of the primary road system of the State Highways of the Commonwealth of Kentucky, a road in Franklin County, Kentucky, known as the "Gregory Pike", beginning at the point where the Gregory Pike, as now located, intersects the Peaksmill and Elmville Road and continuing in a northern direction along the present location of the said Gregory Pike a distance of about 2½ miles to a point where the said Gregory Pike, as now located, intersects the survey of the new road leading from the Stamping Ground and Owenton Road to the Frankfort and Owenton Road.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways.

To Committee on Roads and Highways No. 2.

By Mr. Carter:

H. Res. 12. Resolution authorizing Bud Philpott to sue the State Highway Commission and the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas, while some grading operations were being carried through in the town of Tompkinsville, Kentucky, the contractor deviated from the plans and specifications and the blue prints of the surveys, thereby damaging the real estate of Bud Philpott, and making it impossible for him to enter his barn from the new road by cutting an embankment to a

depth of at least eight feet, causing great inconvenience, property damage and handicap:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That said Bud Philpott be and he is hereby authorized to sue the State Highway Commission and the Commonwealth of Kentucky, or either, for damages to his property, damages to his barn, inconveniences caused and handicap brought about through the carelessness, negligence and failure to carry out original plans and surveys by agents or employees of the State Highway Commission. Said judgment to be a fair and reasonable consideration for damages set out in suit, and in the event judgment is obtained by said Bud Philpott, or same compromised or settled, shall be paid by the Auditor of Public Accounts, by warrant, drawn on the State Treasurer, and paid out of the General Funds.

To Committee on Claims.

By Mr. Hulette:

H. Res. 13. Resolution authorizing F. E. Gross and Mrs. F. E. Gross to sue the Commonwealth of Kentucky and the State Highway Commission.

Said resolution is as follows, viz.:

Whereas, on the 28th day of August, 1935, Mrs. F. E. Gross of Frankfort, Franklin County, was injured and a car belonging to her husband F. E. Gross was damaged on Broadway, Frankfort, Kentucky, in an automobile accident wherein it is claimed that the accident occurred in a collision with a truck operated by employees of the Kentucky State Highway Commission and was caused by the negligence of said employees of the Kentucky State Highway Commission; Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That F. E. Gross and Mrs. F. E. Gross be and they are hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission or either, in the Franklin Circuit Court for damages arising from the negligence of employees of the Kentucky State Highway Department. Said suit shall be for any amount not exceeding the sum of \$1,000.00 dollars, and in the event any judgment is recovered by said F. E. Gross or Mrs. F. E. Gross in said action or same is compromised or settled, same shall be paid by the Auditor of Public Accounts, by warrant, drawn on the State Treasury, and paid out of the general fund.

Section 2. Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted, with the consent and approval of the Attorney General of Kentucky, in the same way as any other civil case.

To Committee on Claims.

The Speaker announced that all bills and resolutions heretofore introduced in the House, would be referred as soon as he had completed the membership of the Standing Committees of the House.

Mr. McCarthy moved that the Rules of this House be suspended for the purpose of allowing the Contest Committee in the case of Speevack vs. Anderson to report.

Said motion was agreed to.

Thereupon Mr. McCarthy of the Contest Board heretofore selected by this House in accordance with the provisions

of the Constitution and Statutes of this Commonwealth to hear the contest and to determine the right to a seat in this House from the 58th Legislative District, Jefferson County, in the case of Samuel I. Speevack, Contestant vs. Charles W. Anderson, Contestee, offered the following report, viz.:

The Committee on Contest between Speevack vs. Anderson. We, the undersigned Committee No. 2 of Contest of elections of members of the House, respectively report that we took up the contest between Samuel I. Speevack, Contestant, and Charles W. Anderson, Contestee, of the 58th Legislative District. After hearing the evidence, the argument of counsel and the committee being sufficiently advised and upon proper motion being duly seconded, the Committee unanimously voted that the contest of Samuel I. Speevack be dismissed and that the Contestee, Charles W. Anderson, be seated as member of the 1936 House of Representatives, from the 58th Legislative District of Kentucky.

Mr. McCarthy moved that the report of the Committee be adopted by this House.

Said motion was agreed to.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Douglas Bolling	Roy Conway
Henry H. Allen	Ollie J. Bowen	Herbert Cook
H. T. Baker	Dr. R. A. Byers	Harry Davis
W. T. Baker	Jas. C. Carter	Sam Dever
G. M. Ballard	Floyd Clark	Stanley S. Dickson
B. F. Bedford	George S. Clay	George W. Dunlap
Reuben J. Boling	J. A. Coleman	Howard G. Early

Garland Embry	M. T. McCarthy	Joe E. Robinson
Walter R. Fannin	T. B. McConnell	John C. Robinson
Chas. P. Farnsley	J. L. McDermott	W. T. Rollo
T. P. Fitzpatrick	Lloyd MacDonald	A. W. Ross
H. Myer Garner	W. F. McGary	Carl Scheben
G. W. Garrett	Elmer McGlothen	Carl Schneider
James Garnett, Jr.	John Marshall	Ray O. Shehan
Ferd A. Gnau	C. S. Matherly	Dr. B. F. Shields
Ben Grogan	D. T. Matlack	P. L. Sidebottom
Jas. T. Hamilton	Duke Mayfield	Chester D. Silvers
C. L. Hammons	G. S. Milam	Bruce Sloan
W. L. Hampton, Jr.	W. H. Miller	H. C. Steely
Thomas W. Hines	John B. Mollett	Henry Stewart
Price Holbrook	W. E. Mull	Dr. H. S. Swope
Clyde S. Howard	Tyler Munford	W. R. Tapp
Ira W. Hulette	Rodes K. Myers	R. Van Bever, Jr.
J. T. Jennings	J. C. Nickell	S. J. Wagner
Ben W. Johnson	Mel Petry	Joseph L. Wall
J. H. Jones	A. W. Pfeiffer	Henry Ward
O. C. Jones	J. C. Ramey	L. R. Wells
R. T. Kirkman	Hobart Rayburn	W. G. Williams
J. F. Ladd	Harry C. Records	Charles Wylie
Leslie Larrimore	L. K. Rice	
Robert E. Lee	Wade H. Riley	

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Thereupon the Speaker declared the said Charles W. Anderson from the 58th Legislative District of Jefferson County to be duly and regularly a member of this House and entitled to all of the rights and privileges of this House.

Mr. Gnau moved that the privilege of the floor be extended to Mr. Johnson Mattingly.

. Said motion was agreed to.

Dr. Shields moved that the Rules of this House be sus-

pended for the purpose of allowing the Committees of this House to report.

Said motion was agreed to.

The Committee to which the same had been previously referred reported bills and a resolution of the following titles, viz.:

By Dr. Shields of the Committee on Kentucky Statutes No. 1:

H. B. 1. An Act relating to primary elections.

With a Committee Amendment thereto.

H. B. 71. An Act relating to suffrage and elections providing a method of registering voters in this Commonwealth residing outside of the city limits of cities of the first, second, third, fourth classes, etc.

H. Res. 9. Resolution providing for a contingent fund for the Clerk of the House and the Clerk of the Senate.

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolution were severally read at length the first time and ordered to be placed on the Calendar.

Mr. McCarthy moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 14, 1936.

The House was opened with prayer by the Reverend R. B. Kelly of the Church of the Nazarene of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

F. T. Allen	James Garnett, Jr.	W. H. Miller
Henry H. Allen	Ferd A. Gnau	John B. Mollett
C. W. Anderson, Jr.	Eugene Gough	W. E. Mull
H. T. Baker	Ben Grogan	Tyler Munford
W. T. Baker	Jas. T. Hamilton	Rodes K. Myers
G. M. Ballard	C. L. Hammons	J. C. Nickell
B. F. Bedford	W. L. Hampton, Jr.	Russell O'Neill
Reuben J. Boling	Thomas W. Hines	Mel Petry
Douglas Bolling	Price Holbrook	A. W. Pfeiffer
Ollie J. Bowen	Clyde S. Howard	J. C. Ramey
Wallace Brown	Ira W. Hulette	Hobart Rayburn
Dr. R. A. Byers	John M. Hunnicut	Harry C. Records
Jas. C. Carter	J. T. Jennings	L. K. Rice
Floyd Clark	Ben W. Johnson	Wade H. Riley
Roscoe Claxon	J. H. Jones	Joe E. Robinson
George S. Clay	O. C. Jones	John C. Robinson
J. A. Coleman	R. T. Kirkman	W. T. Rollo
Roy Conway	J. F. Ladd	A. W. Ross
Herbert Cook	Leslie Larrimore	Carl Scheben
Harry Davis	Robert E. Lee	Carl Schneider
Sam Dever	M. T. McCarthy	Ray O. Shehan
Stanley S. Dickson	T. B. McConnell	Dr. B. F. Shields
George W. Dunlap	J. L. McDermott	P. L. Sidebottom
Howard G. Early	Lloyd MacDonald	Chester D. Silvers
Garland Embry	W. F. McGary	Bruce Sloan
Clarence E. Evans	Elmer McGlothen	H. C. Steely
Walter R. Fannin	John Marshall	Henry Stewart
Chas. P. Farnsley	C. S. Matherly	Dr. H. S. Swope
T. P. Fitzpatrick	D. T. Matlack	W. R. Tapp
H. Myer Garner	Duke Mayfield	R. Van Bever, Jr.
G. W. Garrett	G. S. Milam	S. J. Wagner

Joseph L. Wall	L. R. Wells	Charles Wylie
Henry Ward	W. G. Williams	Mr. Speaker

Mr. Davis moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Dickson moved that the privilege of the floor be extended to Mr. C. L. Buckner.

Said motion was agreed to.

Mr. Shields offered the following resolution, viz.:

H. Res. 14. Concurrent Resolution of the House of Representatives and the Senate of Kentucky for adjourning the General Assembly *sine die*, and fixing the date as of February 15, 1936.

Be it Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, 1936 Regular Session, and the Senate of the Commonwealth of Kentucky concurring therein:

That when the General Assembly of the Commonwealth of Kentucky adjourn on the 15th day of February, 1936, it adjourn *sine die*.

Mr. Milam moved that the consideration of said resolution be postponed until January 30.

Dr. Shields moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

The motion as made by Mr. Milam was then disagreed to.

The yeas and nays being required thereon by Messrs. Milam and Shields, were as follows, viz.:

Those who voted in the affirmative were—

Henry H. Allen	G. W. Garrett	Russell O'Neill
C. W. Anderson, Jr.	James Garnett, Jr.	Hobart Rayburn
H. T. Baker	Ferd A. Gnau	Harry C. Records
G. M. Ballard	Jas. T. Hamilton	L. K. Rice
B. F. Bedford	C. L. Hammons	W. T. Rollo
Reuben J. Boling	Thomas W. Hines	Carl Schneider
Dr. R. A. Byers	Price Holbrook	Ray O. Shehan
Jas. C. Carter	Leslie Larrimore	Bruce Sloan
Floyd Clark	Robert E. Lee	H. C. Steely
J. A. Coleman	M. T. McCarthy	Henry Stewart
Herbert Cook	Lloyd MacDonald	Dr. H. S. Swope
Harry Davis	G. S. Milam	R. Van Bever, Jr.
Garland Embry	W. H. Miller	L. R. Wells
Walter R. Fannin	John B. Mollett	Charles Wylie
Chas. P. Farnsley	W. E. Mull	
H. Myer Garner	Tyler Munford	

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Those who voted in the negative were—

F. T. Allen	Clyde S. Howard	J. C. Nickell
W. T. Baker	Ira W. Hulette	Mel Petry
Douglas Bolling	John M. Hunnicut	A. W. Pfeiffer
Ollie J. Bowen	Ben W. Johnson	J. C. Ramey
Wallace Brown	J. H. Jones	Wade H. Riley
Roscoe Claxon	O. C. Jones	Joe E. Robinson
George S. Clay	R. T. Kirkman	John C. Robinson
Roy Conway	J. F. Ladd	A. W. Ross
Sam Dever	T. B. McConnell	Carl Scheben
Stanley S. Dickson	J. L. McDermott	Dr. B. F. Shields
George W. Dunlap	W. F. McGary	P. L. Sidebottom
Howard G. Early	Elmer McGlothen	Chester D. Silvers
Clarence E. Evans	John Marshall	W. R. Tapp
T. P. Fitzpatrick	C. S. Matherly	S. J. Wagner
Eugene Gough	D. T. Matlack	Joseph L. Wall
Ben Grogan	Duke Mayfield	Henry Ward
W. L. Hampton, Jr.	Rodes K. Myers	W. G. Williams

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Said resolution was then adopted.

The yeas and nays being taken thereon, were as follows,
viz.:

Those who voted in the affirmative were—

F. T. Allen	Ben Grogan	Russell O'Neill
Henry H. Allen	Jas. T. Hamilton	Mel Petry
W. T. Baker	W. L. Hampton, Jr.	A. W. Pfeiffer
B. F. Bedford	Price Holbrook	J. C. Ramey
Douglas Bolling	Clyde S. Howard	Hobart Rayburn
Ollie J. Bowen	Ira W. Hulette	Harry C. Records
Wallace Brown	John M. Hunnicut	L. K. Rice
Floyd Clark	J. T. Jennings	Wade H. Riley
Roscoe Claxon	Ben W. Johnson	Joe E. Robinson
George S. Clay	J. H. Jones	John C. Robinson
J. A. Coleman	O. C. Jones	W. T. Rollo
Roy Conway	R. T. Kirkman	A. W. Ross
Herbert Cook	J. F. Ladd	Carl Scheben
Sam Dever	M. T. McCarthy	Carl Schneider
Stanley S. Dickson	J. L. McDermott	Dr. B. F. Shields
George W. Dunlap	Lloyd MacDonald	P. L. Sidebottom
Howard G. Early	W. F. McGary	Chester D. Silvers
Garland Embry	Elmer McGlothen	Bruce Sloan
Clarence E. Evans	John Marshall	W. R. Tapp
Walter R. Fannin	C. S. Matherly	S. J. Wagner
Chas. P. Farnsley	D. T. Matlack	Joseph L. Wall
T. P. Fitzpatrick	Duke Mayfield	Henry Ward
James Garnett, Jr.	W. E. Mull	L. R. Wells
Ferd A. Gnau	Rodes K. Myers	W. G. Williams
Eugene Gough	J. C. Nickell	Charles Wylie

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Those who voted in the negative were—

C. W. Anderson, Jr.	Jas. C. Carter	Leslie Larrimore
H. T. Baker	H. Myer Garner	Robert E. Lee
G. M. Ballard	G. W. Garrett	G. S. Milam
Reuben J. Boling	C. L. Hammons	W. H. Miller
Dr. R. A. Byers	Thomas W. Hines	John B. Mollett

Tyler Munford
Ray O. Shehan

H. C. Steely
Henry Stewart

Dr. H. S. Swope
R. Van Bever, Jr.
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Dr. Shields moved that the vote by which said resolution was adopted, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Clay offered the following resolution, viz.:

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky: That

Whereas, the State Library does not now contain any copies of the Supplements to Baldwin's 1930 Edition of Carroll's Kentucky Statutes, for the use of this House; and

Whereas, under the law this House is entitled to a number of copies of said Statutes for the use of its members:

Be It Resolved, That the State Librarian be authorized and directed to secure eight copies of the latest Supplement to said Statutes to be kept for the use of the members of the House and that two of said copies be delivered to the Clerk of the House for use in the House Chamber.

Said resolution was adopted.

The Speaker announced the following Standing Committees of the House, viz.:

Alcoholic and Liquor Control—W. T. Baker, Chairman; Clyde Howard, R. T. Kirkman, Stanley Dickson, S. J. Wagner, James Garnett, Jr., H. C. Records, Henry Stewart, John C. Robinson.

Public Utilities—Ollie Bowen, Chairman; O. C. Jones,

George Clay, John C. Robinson, Wallace Brown, John McDermott, W. H. Miller, J. C. Nickell.

Agriculture No. 1—John C. Robinson, Chairman; Eugene Gough, B. F. Bedford, W. L. Hampton, Roscoe Claxon, Sam Dever, Paul Sidebottom, John Marshall, Wade Riley.

Banks and Banking—Ben Grogan, Chairman; Chas. P. Farnsley, H. C. Records, Henry Ward, B. F. Bedford, J. L. McDermott, Roger Wells, Ben Johnson.

Cities of First Class—Carl Schneider, Chairman; Ferd Gnau, Albert Pfeiffer, W. T. Rollo, Chas. P. Farnsley, James Garnett, Jr., Chas. W. Anderson, W. E. Mull, W. T. Baker.

Constitutional Amendments—Albert Pfeiffer, Chairman; Wallace Brown, J. L. McDermott, Charles Matherly, Elmer McGlothen, Douglas Bolling, Carl Schneider, Claude Hammons, Reuben Boling.

Motor Transportation—R. T. Kirkman, Chairman; O. C. Jones, John Hunnicutt, Frank McGary, Wallace Brown, Bruce Sloan, T. B. McConnell, George Dunlap, Dr. H. S. Swope.

Roads and Highways No. 1—Rodes K. Myers, Chairman; Tyler Munford, Duke Mayfield, Dr. Shields, J. A. Coleman, Russell O'Neill, Douglas T. Boling.

Suffrage and Elections—George Clay, Chairman; Charles Matherly, Ira W. Hulette, R. T. Kirkman, Henry Ward, Paul Sidebottom, Hobart Rayburn, John Marshall.

Charitable and Penal Institutions—Joe E. Robinson, Chairman; A. W. Ross, James Garnett, Jr., Ollie J. Bowen, S. F. Wagner, Carl Schneider, Eugene Gough, D. T. Matlack, Dr. Harry Swope.

Revenue and Taxation No. 2—Thomas P. Fitzpatrick, Chairman; George Dunlap, Charles P. Farnsley, George Clay, Ben Johnson, Wade Riley, Ferd Gnau, Claud Hammons, H. H. Allen.

Criminal Law—Charles P. Farnsley, Chairman; Sam

Milam, Rodes K. Myers, John Hunnicutt, Roy Conway, D. T. Matlack, Chester Silvers, H. C. Steely, J. T. Hamilton.

Public Bridges and Ferries—W. H. Miller, Chairman; W. E. Mull, G. W. Garrett, Frank Ladd, Leslie Larrimore, Robert E. Lee, James C. Carter, Garland Embry, J. T. Hamilton.

Public Health No. 1—B. F. Bedford, Chairman; George Dunlap, H. C. Records, Dr. Harry Swope, Clarence Evans, Bruce Sloan, Herbert Cook, R. A. Byers.

State Universities—Howard G. Early, Chairman; Frank McGary, J. C. Ramey, L. K. Rice, Roscoe Claxon, John McDermott, Charles Wylie, Chester Silvers, Bruce Sloan.

Teachers Colleges—Harry Davis, Chairman; Thomas W. Hines, Ben Grogan, W. G. Williams, Duke Mayfield, Price Holbrook, Marion McCarthy, Myer Garner, J. H. Jones.

Appropriations No. 2—S. J. Wagner, Chairman; Stanley Dickson, Garland Embry, Ben Grogan, J. C. Ramey, W. T. Baker, W. H. Miller, J. A. Coleman, Marion T. McCarthy.

Circuit Courts—Sam Milam, Chairman; John Marshall, Clarence Evans, Herbert Cook, Roy Conway, Lloyd MacDonald, Hobart Rayburn, V. O. Chandler, A. W. Pfeiffer.

Cities of Third Class—Eugene Gough, Chairman; Rodes K. Myers, George Clay, Douglas Bolling, Ira W. Hulette, H. C. Steely, Robert Van Bever.

Codes of Practice—H. T. Allen, Chairman; Clarence Evans, Lloyd McDonald, Russell O'Neill, Charles Wylie, H. T. Baker, James Garnett, Jr., J. C. Carter, Roy O. Sheehan.

Compensation for Industrial Injuries—Floyd Clark, Chairman; W. E. Mull, John B. Mollett, Elmer McGlothlen, R. T. Kirkman, Russell O'Neill, Charles Wylie, Douglas Bolling, W. T. Baker.

County and City Courts—Ferd Gnau, Chairman; Elmer McGlothlen, J. C. Ramey, B. F. Bedford, Rodes K. Myers, G. M. Ballard, Hobart Rayburn, Charles P. Farnsley, Tyler Munford,

Education No. 2—Marion McCarthy, Chairman; Duke Mayfield, Reuben Boling, L. K. Rice, Walter Fannin, Henry Stewart, J. F. Ladd, Price Holbrook, Thomas W. Hines.

Immigration and Labor—A. W. Ross, Chairman; Mel Petry, John G. Robinson, Ferd Gnau, H. C. Steely, John Hunicutt, W. G. Williams, J. H. Jones, R. A. Byers.

Insurance, Fire and Marine—John Marshall, Chairman; H. C. Records, Clyde Howard, Floyd Clark, Reuben Boling, Herbert Cook, Roy Conway, Ollie J. Bowen, G. W. Garrett.

Insurance, Life and Casualty—W. L. Hampton, Chairman; Price Holbrook, Joseph L. Wall, W. E. Mull, Mel Petry, Robert E. Lee, J. C. Carter, G. M. Ballard, J. T. Hamilton.

Mines and Mining—Ben Johnson, Chairman; Mel Petry, Roy Conway, John B. Mollett, Robert Van Bever, Price Holbrook, Roy Shehan, Russell O'Neill, Marion McCarthy.

State Fair—Ira W. Hulette, Chairman; John C. Robinson, Wallace Brown, George Dunlap, Floyd Clark, Roger Wells, Ben Johnson, Sam Dever, T. B. McConnell.

State and National Parks—Roger Wells, Chairman; Robert Tapp, John McDermott, Floyd Clark, George Clay, Garland Embry, Claude Hammons, Thomas W. Hines, H. C. Steely.

Bond Issues—H. C. Records, Chairman; John B. Mollett, F. T. Allen, Ben Johnson, Frank Ladd, Charles Matherly, Dr. R. A. Byers, Garland Embry, Walter Fannin.

Enrollment—Stanley Dickson, Chairman; B. F. Bedford, Roscoe Claxon, Howard Early, Thomas P. Fitzpatrick, Ben Grogan, Clyde Howard, Harry Davis.

Military Affairs—J. A. Coleman, Chairman; Eugene Gough, Charles S. Matherly, H. G. Early, Robert Tapp, Roy Shehan, James Garnett, Jr., George Clay.

Public Ditches—Duke Mayfield, Chairman; W. H. Riley, Marion T. McCarthy, W. L. Hampton, Eugene Gough, Russell O'Neill, V. O. Chandler.

Agriculture No. 2—Frank Ladd, Chairman; O. C. Jones, H. Myer Garner, Henry Stewart, Reuben Boling, V. O. Chandler, Herbert Cook, J. H. Jones, Henry H. Allen.

Cities of Fourth Class—D. T. Matlack, Chairman; Roscoe Claxon, John Hunnicutt, Sam Dever, Ben Johnson, H. T. Baker, Ben Grogan, Sam Milam, Duke Mayfield.

Cities of Fifth and Sixth Classes—Paul Sidebottom, Chairman; Floyd Clark, Price Holbrook, I. C. Ramey, Henry Allen, Leslie Larrimore, Myer Garner, Frank McGary, Reuben Boling.

Claims—Garland Embry, Chairman; Price Holbrook, J. L. Wall, Henry H. Allen, Henry Stewart, John B. Mollett, Lloyd McDonald, Roy Conway.

Classification of Cities and Towns—John L. McDermott, Chairman; F. T. Allen, J. T. Jennings, J. C. Carter, J. H. Jones, H. T. Baker, Roy Conway, Mel Petry, L. Roger Wells.

Corporate Institutions—Roy Conway, Chairman; W. G. Williams, John Hunnicutt, Paul Sidebottom, J. T. Jennings, Lloyd McDonald, Walter Fannin, R. L. Van Bever, Henry Stewart.

Court of Appeals—W. R. Tapp, Chairman; Elmer McGlothen, Hobart Rayburn, A. W. Pfeiffer, W. T. Rollo, Joseph Wall, Dr. B. F. Shields, A. W. Ross.

Executive Affairs—Clyde Howard, Chairman; Wade Riley, Stanley Dickson, Sam Dever, G. W. Garrett, Thomas P. Fitzpatrick, V. O. Chandler, Dr. R. A. Byers, Claude Hammons.

Federal Relations—Roscoe Claxon, Chairman; James T. Hamilton, John Marshall, D. T. Matlack, Bruce Sloan, Wade Riley, W. G. Williams, A. W. Pfeiffer, W. F. McGary.

Interurban and City Railways—W. E. Mull, Chairman; Ira W. Hulette, Henry Ward, W. T. Rollo, Carl Schneider, Dr. H. S. Swope, Carl Scheben, S. J. Wagner, Chester Silvers.

Juvenile Courts and Children's Homes—John Hunnicutt,

Chairman; Joe Robinson, Henry Ward, Ferd Gnau, Robert E. Lee, Charles Anderson, Carl Scheben, W. H. Miller, Marion McCarthy.

Judicial Council—James Garnett, Chairman; John B. Mollett, G. M. Ballard, Reuben Boling, Myer Garner, G. W. Garrett, J. T. Hamilton, Thomas W. Hines, S. T. Jennings.

Library and Historical Records—Elmer McGlothen, Chairman; Thomas W. Hines, G. W. Garrett, Myer Garner, G. M. Ballard, Leslie Larrimore, Henry Stewart, Mel Petry, Robert Van Bever.

Municipalities—Wade Riley, Chairman; T. B. McConnell, Albert Pfeiffer, Robert Van Bever, Sam Milam, Charles Anderson, Ray O. Shehan, Hobart Rayburn, Carl Scheben.

Oils and Minerals—Mel Petry, Chairman; Douglas Boling, Claude Hammons, R. T. Kirkman, Roy Conway, W. L. Hampton, Clyde Howard.

Printing—W. T. Rollo, Chairman; Harry Davis, W. R. Tapp, F. T. Allen, Floyd McDonald, W. L. Hampton, Leslie Larrimore, W. R. Fannin, J. T. Jennings.

Public Health No. 2—L. K. Rice, Chairman; J. F. Ladd, J. A. Coleman, Garland Embry, Robert E. Lee, Leslie Larrimore, Dr. B. F. Shields, Joseph Wall, W. G. Williams.

Railroads—T. B. McConnell, Chairman; L. Roger Wells, Joe Robinson, Elmer McGlothen, Harry C. Records, Joseph Wall, J. C. Carter, Carl Schneider, Reuben Boling.

Redistricting Congressional—Price Holbrook, Chairman; S. J. Wagner, J. C. Nickell, Ray Shehan, Carl Schneider, John C. Robinson, John Marshall, Lloyd McDonald, V. O. Chandler.

Redistricting Judicial—J. C. Nickell, Chairman; Elmer McGlothen, Ira W. Hulette, Ollie J. Bowen, Ben Grogan, Paul Sidebottom, Hobart Rayburn, Harry Davis, Ferd Gnau.

Redistricting Legislative—Herbert Cook, Chairman; Harry Records, Robert Van Bever, Frank McGary, J. L. Ham-

ilton(Leslie Larrimore, W. G. Williams, S. J. Wagner, H. C. Steely.

Retrenchment and Reform—O. C. Jones, Chairman; Sam Dever, Eugene Gough, J. C. Ramey, Stanley Dickson, Harry Davis, Russell O'Neill, Dr. H. S. Swope.

State Properties—J. C. Ramey, Chairman; William E. Mull, Ira W. Hulette, John B. Mollett, Carl Scheben, Roger Wells, Robert E. Lee, Hobart Rayburn, J. A. Coleman.

State Affairs—Sam Dever, Chairman; Tyler Munford, H. C. Steely, W. T. Rollo, B. F. Bedford, J. H. Jones, Leslie Larrimore, Charles Anderson, H. Myer Garner.

Trade and Commerce—Henry H. Allen, Chairman; Paul Sidebottom, J. C. Nickell, H. T. Baker, Carl Schneider, O. C. Jones, J. T. Jennings, Bruce Sloan, Lloyd McDonald.

Veterans Legislation—Douglas Bolling, Chairman; Thomas Fitzpatrick, W. H. Miller, T. B. McConnell, L. K. Rice, J. C. Nickell, Rodes Myers, A. W. Ross, R. O. Shehan, Claude Hammons, Clarence Evans.

Ways and Means—Carl Scheben, Chairman; O. C. Jones, T. B. McConnell, Ira W. Hulette, R. E. Lee, Charles Wylie, Paul Sidebottom, Sam Dever, George Dunlap.

Said Committees as announced by the Speaker were then approved by the House.

The Speaker announced that he had referred bills and resolutions heretofore introduced, as follows, viz.:

S. B. 1. To a Committee on Banks and Banking.

S. B. 9. To a Committee on Kentucky Statutes No. 1.

S. B. 10. To a Committee on Kentucky Statutes No. 1.

H. B. 10. To a Committee on Kentucky Statutes No. 1.

H. B. 26. To a Committee on Penal and Charitable Institutions.

H. B. 38. To a Committee on County and City Courts.

H. B. 39. To a Committee on Public Utilities.

H. B. 40. To a Committee on Banks and Banking.

H. B. 41. To a Committee on Public Health No. 1.

H. B. 42. To a Committee on State and National Banks.

H. B. 43. To a Committee on Agriculture No. 1.

H. B. 44. To a Committee on Kentucky Statutes No. 1.

H. B. 47. To a Committee on Roads and Highways
No. 1.

H. B. 49. To a Committee on Agriculture No. 1.

H. B. 50. To a Committee on Education No. 1.

H. B. 51. To a Committee on Fish and Game.

H. B. 53. To a Committee on Roads and Highways
No. 2.

H. B. 54. To a Committee on Fish and Game.

H. B. 60. To a Committee on Judiciary.

H. B. 64. To a Committee on Kentucky Statutes No. 1.

H. B. 65. To a Committee on Ways and Means.

H. B. 72. To a Committee on Cities of First Class.

H. B. 73. To a Committee on Kentucky Statutes No. 1.

H. B. 74. To a Committee on Revenue and Taxation No. 2.

H. B. 75. To a Committee on Judiciary.

H. B. 76. To a Committee on Roads and Highways No. 2.

H. B. 77. To a Committee on Suffrage and Elections.

H. B. 78. To a Committee on Cities of Third Class.

H. Res. 10. To a Committee on Claims.

H. Res. 8. To a Committee on Claims.

H. Res. 11. To a Committee on Claims.

Dr. Shields moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 15, 1936.

The House was opened with prayer by the Reverend R. B. Kelly of the Church of the Nazarene of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

F. T. Allen
Henry H. Allen
C. W. Anderson, Jr.

H. T. Baker
W. T. Baker
G. M. Ballard

B. F. Bedford
Reuben J. Boling
Douglas Bolling

Ollie J. Bowen	Price Holbrook	Mel Petry
Wallace Brown	Clyde S. Howard	A. W. Pfeiffer
Dr. R. A. Byers	Ira W. Hulette	J. C. Ramey
Jas. C. Carter	John M. Hunnicut	Hobart Rayburn
Floyd Clark	J. T. Jennings	Harry C. Records
Roscoe Claxon	Ben W. Johnson	L. K. Rice
George S. Clay	J. H. Jones	Wade H. Riley
J. A. Coleman	O. C. Jones	Joe E. Robinson
Roy Conway	R. T. Kirkman	John C. Robinson
Herbert Cook	J. F. Ladd	W. T. Rollo
Harry Davis	Leslie Larrimore	A. W. Ross
Sam Dever	Robert E. Lee	Carl Scheben
Stanley S. Dickson	M. T. McCarthy	Carl Schneider
George W. Dunlap	T. B. McConnell	Ray O. Shehan
Howard G. Early	J. L. McDermott	Dr. B. F. Shields
Garland Embry	Lloyd MacDonald	P. L. Sidebottom
Clarence E. Evans	W. F. McGary	Chester D. Silvers
Walter R. Fannin	Elmer McGlothen	Bruce Sloan
Chas. P. Farnsley	John Marshall	H. C. Steely
T. P. Fitzpatrick	C. S. Matherly	Henry Stewart
H. Myer Garner	D. T. Matlack	Dr. H. S. Swope
G. W. Garrett	Duke Mayfield	W. R. Tapp
James Garnett, Jr.	G. S. Milam	R. Van Bever, Jr.
Ferd A. Gnau	W. H. Miller	S. J. Wagner
Eugene Gough	John B. Mollett	Joseph L. Wall
Ben Grogan	W. E. Mull	Henry Ward
Jas. T. Hamilton	Tyler Munford	L. R. Wells
C. L. Hammons	Rodes K. Myers	W. G. Williams
W. L. Hampton, Jr.	J. C. Nickell	Charles Wylie
Thomas W. Hines	Russell O'Neill	John Kirtley, Spkr.

Mr. Davis moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Davis moved that the privilege of the floor be extended to Miss Jessie K. Lewis of Grayson, Kentucky, and Mr. Delbert Lewis of Flemingsburg, Kentucky.

Said motion was agreed to.

Mr. Scheben moved that Lambert Coleman be appointed Honorary Page of this House for the Day.

Said motion was agreed to.

Mr. Davis moved that the privilege of the floor be extended to Messrs. Frank Likens, John Bertram, W. M. Clark, O. P. Fannian, Corbet Knapp and the Reverend Ira Stout.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. H. T. Baker:

H. B. 86. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point in Highway 55 at the village of Cane Valley in Adair County, and running in a western direction about four and one-half miles to a point in State Highway 61 near Hatcher's Store in Adair County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point in Highway 55 at the village of Cane Valley in Adair County, and running in a western direction about four and one-half miles to a point in State Highway 61 near Hatcher's store in Adair County.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky

shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

To Committee on Roads and Highways No. 2.

By same.

H. B. 87. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point in Highway 61 at the Town of Breeding in Adair County and running in an Eastern direction across the Adair County line and through LaSee Postoffice in Cumberland County to the Amandaville State road that leads to Highway 61, intersecting said road at a point south of Amandaville.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point in Highway 61 at the Town of Breeding in Adair County and running in an Eastern direction across the Adair County line and through LaSee Postoffice in Cumberland County to the Amandaville State road that leads to Highway 61, intersecting said road at a point South of Amandaville.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

To Committee on Roads and Highways No. 2.

By Mr. Hines:

H. B. 88. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at Logansport and running to Thoroughfair Bridge.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of state highways of the Commonwealth of Kentucky a road leading from a point on State Highway No. 71 at Logansport, Kentucky, via Reed's Ferry through Little Bend to Thoroughfair Bridge.

§ 2. This road thus established to be entitled to receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. McConnell:

H. B. 89. An Act establishing a road from the Wilson Warehouse Road in Caldwell County, beginning at the J. H. Watson Farm, and running to and intersecting the Dawson and Charleston Road at the Eison Place on said Road in Caldwell County, running along the old Evans Mill Road as a State primary road, and designating said project as Project No.....

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky, a road to lead from the Wilson Warehouse Road in Caldwell County, beginning at the J. H. Watson Farm, via

the old Evans Mill Road Route, to and intersecting the Dawson and Charleston Road at the Elison Place on said Road, in Caldwell County, Kentucky. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways.

§ 2. Said project shall be designated and known as Project No.

To Committee on Roads and Highways No. 2.

By Mr. McConnell:

H. B. 90. An Act permitting Soldiers, Sailors, and Marines honorably discharged to hunt or fish without license, and providing penalty for violation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Game and Fish Commission is hereby authorized and required to prescribe and furnish permits to hunt or fish without license, which permit shall be issued in the manner hereinafter provided to honorably discharged soldiers, sailors, and marines who served in the United States Army or Navy, in the Civil War, the war with Spain, the Philippine Insurrection or the war with Germany, and who are at the time of such issuance and who have been for the full period of one year next preceding, citizens and bona fide residents of the state of Kentucky. The form of such permits and applications therefor shall be prescribed by the Game and Fish Commission. Such permits shall be issued in each county of the state by the clerk of the county court without charge, to such soldiers, sailors and marines, and to those of them only who are at the time bona fide residents. Each clerk shall on

the first day of each month report in writing to the Game and Fish Commission the serial number of each permit so issued by him in the preceding month and the name of each permittee. Each such permit shall be valid and in force and effect so long as such permit is in a legible and serviceable condition and so long only as such permittee shall be and remain a citizen and bona fide resident of this state. If such permit shall become lost, destroyed, mutilated, illegible or unserviceable, a new permit may be procured and issued in the same manner as the original was procured and issued.

Applications for such permits shall be in writing, signed and verified by the applicant, who shall at the time of application also produce and exhibit his discharge, or a duly certified and properly authenticated copy or certificate thereof, or who shall, if such discharge be lost or destroyed, verify such fact by affidavit. Such permit shall be carried by the permittee on his person when he is hunting or fishing, and then and there shall be exhibited on request, to any officer authorized to enforce the Game and Fish laws of this State; and such permit, unless so carried, produced and exhibited shall not have the effect then and there to authorize the permittee to hunt or fish without license. It shall be unlawful for any person to make any false application, representation, oath, affidavit or affirmation for the purpose of procuring a permit under this section; or to change, alter or counterfeit any permit issued under this section; or to use or attempt to use, any permit hereunder issued to another person. It shall be unlawful for any permittee hereunder to give, loan, barter, sell or transfer such permit to another person.

Whoever shall violate any provision of this section shall, on conviction, be fined in any sum not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00).

All laws or parts of laws in conflict herewith, are hereby repealed.

To Committee on Fish and Game.

By Mr. Scheben:

H. B. 91. An Act defining Building and Loan Associations, providing for their incorporation, methods of doing business, merger, consolidation, conversion, voluntary dissolution, taxation, regulation and supervision; defining the rights, powers, duties, liabilities and immunities of such Associations, creating a Building and Loan Board, fixing qualifications of its members, appointment and compensation; defining the rights, powers, duties of said Board; prohibiting the transaction of business by foreign Building and Loan Associations in Kentucky; prescribing penalties for violation of the provisions of the Act; repealing acts and parts of acts in conflict herewith; to be known and cited as "The Building and Loan Code."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE ONE

§ 1. *Building and Loan Associations Defined.* That a building and loan association, as contemplated or provided by this Act, is any association or corporation, heretofore or hereafter formed, created or organized, which is chartered under any building and loan law, except a Federal Savings and Loan Association incorporated under the laws of the United States, to carry on the business of a building and loan association and is formed to encourage industry, thrift, home building and saving among its shareholders or members; the accumulation of savings, the loaning to its shareholders and members of the funds so accumulated, and mutually distribute its profits among its members only, to assist its members to buy real property and to erect homes or other improvements thereon and to pay all existing encumbrances thereon. The word "Association" when used in this Act shall refer to a

building and loan Association. The word "Commissioner" when used in this act shall refer to the Building and Loan Commissioner. The word "Board" shall refer to the Building and Loan Board. The word "Member" shall include any shareholder of any type whatsoever in a Building and Loan Association.

§ 2. *To Include Similar Business for Purposes of Regulation and Supervision.* The supervision and regulation provisions of this act applicable thereto shall likewise apply to such corporations or associations usually called "installment investment companies," "Thrift syndicates," and similar titles which carry on a business of a nature similar to Building and Loan Associations in which companies the members or customers, by contract or agreement, are required to pay weekly, monthly, or other periodical installments to a common fund or series, from which fund or series loans are made to the members or customers, principally for the purpose of buying or building homes, improving homes, or removing encumbrances therefrom, which loans are to be liquidated, in the main, by small periodical payments, and whether the business is confined exclusively to such transactions or not, if such transactions constitute the major portion of its business, and whether or not the enterprise is conducted for the mutual benefit of all subscribers, contributors or investors, or for the profit of certain subscribers or owners.

§ 3. *Association Defined.* "Association" means a Building and Loan Association as defined in Article I, Section 1 of this Act, and except where otherwise indicated, includes both domestic and foreign associations. "Domestic Association" means an association incorporated under the laws of this state, and "Foreign Association" means an association incorporated under the laws of another state. "Federal Savings and Loan Association" means a similar association, incorporated under the laws of the United States.

Any person who shall willfully and knowingly concur in, or be responsible directly or indirectly for, the making, pub-

lishing, or posting, either generally or privately, to actual or prospective members or investors any false or misleading information tending to imply that any other business operated in this state is a Building and Loan Association, or operates in the manner of a Building and Loan Association, or is regulated in whole or in part under the provisions of this Act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$50 nor more than \$300, or by confinement in the county jail for a period of not less than one month nor more than six months, or by both such fine and imprisonment, and shall be liable to any aggrieved person or persons for any loss or damage sustained because of such unlawful act or acts.

No association shall advertise or hold itself out to the public as a bank, whether commercial or savings, or as a trust company; and no association shall do a trust business; provided, however, that nothing in this section shall prevent any association from acting as trustee under deeds of trust given solely for the purpose of securing obligations for the repayment of money to the association, other than corporation bonds.

ARTICLE TWO

§ 1. *Building and Loan Board Created.* There is hereby created a "Building and Loan Board" of the Commonwealth of Kentucky charged with the supervision of all Building and Loan Associations doing business in this State and with the execution of all laws relating to Building and Loan Associations in this State.

§ 2. *Board, Compensation, Appointment, Powers, Term of Office, Vacancy.* The Building and Loan Board shall be composed of the Banking Commissioner of the Commonwealth of Kentucky, and four persons who shall be appointed by the Governor.. The Banking Commissioner shall be an ex-officio member and chairman of the Board and shall in case of a tie cast the deciding vote. Within thirty (30) days after this Act

becomes effective, one member of said Board shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Thereafter, the term of each member shall be for a term of four years from the date of their appointment. Each of said members shall be citizens of the State of Kentucky for at least five years immediately prior to their appointment and shall have had at least three years' actual experience in the management of or as attorney for a Building and Loan Association and shall be actively engaged in the management of a Building and Loan Association, either as an officer, attorney or director, during their terms of office. In case of death, removal, resignation, or disqualification of any member of said Board, the Governor shall appoint, according to the provisions of this Act and in compliance with the qualifications herein prescribed, some suitable person to fill such unexpired term. Meetings of said Board shall be held monthly at the State Capitol at such times as prescribed by the Commissioner and special meetings may be held at other times upon five days' notice in writing to each member of said Board. Two members and the Commissioner shall constitute a quorum for the transaction of business. The Commissioner of Banking shall provide suitable quarters in the State Capital Building for the transaction of the business of this department. The members of said Board other than the Commissioner shall receive as compensation for their services the sum of \$10.00 per day and necessary traveling expenses for each day, but in no event shall any member of said Board receive as compensation more than \$50.00 during any one month. The compensation and expenses to be paid to the members of said Board shall be paid as earned, by the Commissioner, out of the funds derived from the provisions of this Act. All of the duties required of, and the powers given to the Commissioner may be exercised by a Deputy Commissioner appointed by the Commissioner.

The Board shall determine policies to be followed in the

regulation, examination, supervision, organization and development of associations in this State. The Board shall have power to prescribe rules and regulations governing the conduct of associations in the public interest as well as to insure adequate protection to the members both investing and borrowing of such associations, such policies, rules and regulations, however, shall not be inconsistent or in conflict with the provisions of this Act. Any person or party who may be aggrieved by any act of said Commissioner may appeal for redress thereof to the said Board, during which appeal such act or acts shall be suspended and the Board may take evidence and examine witnesses with respect to the propriety and justice vel non of said act of the Commissioner complained of, and may make such findings and orders that may be necessary to either confirm or repudiate said act of the Commissioner. On appeal of any party interested full power and authority is hereby vested in said Board to review, revise and reverse or confirm any ruling or findings or orders of the Commissioner, and to take evidence and examine witnesses of all parties touching such matters; provided, however, that nothing in this Act shall be construed to prevent any court of competent jurisdiction by a writ of mandamus or otherwise, as provided by law, from reviewing and reversing the act of said Board or of the said Commissioner, provided such action in the Circuit Court is filed within thirty days of the ruling or finding issued by the Board, and upon proceedings the Court, after full hearing of matters at issue shall enter the proper order or decree confirming the action of said Commissioner or of said Board or reversing the same.

§ 3. *Examiners, Assistants, Employment and Compensation of.* The Commissioner may employ such help, examiners and assistants as the Board may approve to aid him in the discharge of the duties imposed upon him by law and the salaries and expenses of the Board and its employees shall be paid out of the funds derived from fees and assessments on Associations of the Commonwealth of Kentucky. All sal-

aries and expenses shall be approved by the Board. Each examiner shall execute to the Commonwealth of Kentucky a Surety Bond in the amount of One Thousand Dollars with a Surety Company qualified to do business in the Commonwealth of Kentucky, to be approved by and delivered to and held by the Secretary of State, on condition of the faithful discharge of the duties of his office. The premium of said bonds shall be paid out of the funds collected by fees and assessments as aforesaid. No examiner shall be a Director, Officer or employee in any Building and Loan Association subject to his examination. If any examiner becomes so interested in any association, his office shall immediately become vacant. Every Building and Loan examiner shall be a resident and citizen of the Commonwealth of Kentucky, shall be a practical bookkeeper, and accountant, and shall have had not less than four years' experience either in a Building and Loan Association or a bank or trust company.

§ 4. *Unlawful for Examiner to Give Information.* It shall be unlawful for any Examiner appointed or acting under the provisions of this Act to disclose to any person, other than officially to the Commissioner, or the Board in the report made by him, or in compliance with the order or precept of some Court, the names of stockholders or members in any such Association, or any information respecting their private accounts, or any information adverse to an Association obtained in the course of his examination of an Association, and for each violation he shall be fined not less than \$100.00 or more than \$500.00 and shall be removed from his position. Reports of examinations made to the Commissioner shall be regarded as confidential and not for public record or inspection. Nothing herein shall prevent the proper exchange of information relating to associations and the business thereof, with the representatives of Building and Loan Departments of other States, nor shall it prevent the Commissioner and the Board from publishing annually the report made to the Governor of the general conduct and condition of all associations

doing business in this State. Any official violating any provision of this section, in addition to the penalties herein provided, shall be liable with his bondsmen to the person or association injured by the disclosures of such secrets; provided, however, the association shall have a hearing before the Commissioner when dissatisfied with such report and within thirty days after such hearing and/or amending and/or the change, if any, of such report, as may be directed by the Commissioner the final report shall become a public record, open to inspection.

§ 5. *Examination of Associations.* The affairs of every domestic Building and Loan Association not in liquidation shall be examined by the Commissioner or one of the examiners provided in this Act as often as shall be deemed necessary, but at least once in every year, and without any notice to such association, its officers or agents, and such examiner shall have the power and shall make a thorough examination into the condition, workings and affairs generally of such association, and he shall have the power to administer oaths. All books, papers and records and assets of such association shall be subject to his inspection. Said examiner shall make report of his findings and file the same in the office of the Commissioner and the said Commissioner shall furnish a copy of such report to the association examined. Said examiner shall report any violation of law, or any unauthorized, or unfit practices, or any failure to keep and have correct accounts of business of such association, and if he finds that any director has willfully neglected to attend meetings regularly, he shall recommend the discharge of such director.

§ 6. *Charge for Reports and Examinations: Money Paid Into State Treasury.* Every Building and Loan Association shall have each report made to the Commissioner and for the filing thereof, without recording, pay to the Commissioner a fee of one dollar, and for each examination herein provided for shall pay to the Commissioner immediately upon completion of the examination the following fees: For the

examination of any association having assets of \$20,000.00 or less, the sum of twenty dollars (\$20.00); those having assets of over \$20,000.00; but less than \$50,000.00, the sum of twenty-five dollars (\$25.00); those having assets of \$50,000.00 and up to and including \$100,000.00, thirty-five dollars (\$35.00); and for those having assets in excess of \$100,000.00, the sum of five dollars (\$5.00) for each additional one hundred thousand dollars (\$100,000.00) or fraction thereof, but no association shall be required to pay for more than one examination each year, unless such examination shall be necessary by failure of association to file reports required by this Act. The cost and expense of any additional examination made hereunder other than the annual examination provided for herein shall be paid for by the association examined. Said cost and expense to be determined by the Building and Loan Board and same shall not exceed a reasonable per diem and traveling expenses. The refusal of any association to permit an examination of its affairs as authorized by this Act shall be sufficient cause for the winding up of its affairs, and the forfeiture of charter and liquidation of the association by receivership as set out in this Act and upon such refusal it shall be the duty of the Commissioner to institute such proceedings.

ARTICLE THREE

§ 1. *Organization, Incorporation.* Any number of persons, not less than nine, who are residents of this State, may associate themselves together for the purpose of organizing a mutual Savings and Loan or Building and Loan Association, and for that purpose they shall make, sign and acknowledge before some person authorized by the laws of this State to take acknowledgments of deeds, articles of incorporation in writing, which shall state:

1st. The name of an association in any language, but it shall be expressed in English letters or characters. It shall contain either the words "Building and Loan Association," or the words "Savings and Loan Association." The name of

an association shall not contain the words "trust," "bank," "deposit," "discount," or any other word which may deceptively lead to the conclusion that it is authorized to perform any act or conduct any business which is forbidden to it by law, by its character, or otherwise. The name of the association shall not contain the words "Kentucky," "Commonwealth," "State," "Government," "Official," "Federal," "National," or "United States."

The name of an association shall not be the same as, or deceptively similar to, that of any other corporation authorized to transact business in this Commonwealth, or the name of any unincorporated body whatsoever, voluntarily registered with the Secretary of State under any act, unless such other corporation or unincorporated body is about to change its name, or to cease doing business, or is being wound up, or, in the case of a foreign corporation, is about to withdraw from doing business in this Commonwealth, and the written consent of such other corporation or unincorporated body to the adoption of its name, or a deceptively similar name, has been given and is filed with the Secretary of State with the Board.

The provisions of this section shall not apply to any name which is in existence upon the effective date of this Act. However, if the association bearing this name shall desire to change its name in any manner whatsoever, pursuant to the provisions of this Act, the new name shall comply in every detail with the requirements of this section. A change in name shall be effected in the regular manner provided by this Act for amending its articles.

This section shall not be construed to abrogate or limit the law as to unfair competition or unfair practices, nor derogate from the common law, the principles of equity, or the statutes of this Commonwealth with respect to the right to acquire and protect trade names.

The assumption of a name in violation of this section shall not vitiate or otherwise affect the corporate existence,

but the Franklin Circuit Court upon the application of the Board or the Circuit Court of the County in which the association has its place of business may upon the application of any corporation or person adversely affected, enjoin the association from using or continuing to use a name assumed in violation of this section.

2nd. The purposes for which the association is formed.

3rd. The name of the city or town and county in which its principal office or place of business is to be located.

An association shall not establish, maintain, or operate, either directly or indirectly, any branch association, branch office, agency, sub-office, sub-agency, or branch place of business within this Commonwealth, for the holding of the regular meetings of its directors, the granting of any loans, or the transaction of any part of its business, but all of the business of such association shall be carried on solely and exclusively at its place of business. The collection of dues or interest by any corporation or person authorized by the association to make such collection at any place other than the place of business of the association, and the holding of shareholders' meetings, shall not be construed to be the transaction of business within the meaning of this section.

4th. The amount of its authorized capital stock; the number of shares into which it is divided, the par value of each share and the number of shares subscribed for, which shall not be less than two hundred in cities, towns or villages of fewer than five thousand inhabitants and five hundred shares or more in cities, towns or villages of five thousand inhabitants or more.

5th. The names and places of residence of each of its incorporators and the number of shares subscribed by each.

6th. The time when it is to commence business and the period it is to continue.

7th. By what officers or persons the affairs of the cor-

poration are to be conducted and the time and place at which they are to be elected.

8th. Whether the private property of the stockholders not subject by provisions of the law under which it is organized shall be subject to payment of corporate debts, and if so, to what extent.

9th. The certificate may also contain any other provisions which the incorporators may see fit to insert for the regulation and conduct of the affairs of the association, provided that such provisions shall not conflict with the laws of Kentucky.

§ 2. *Prohibition Upon Payment of, or Contract for, Promoters' Fees.* It shall be unlawful (1) for any fee, commission, or compensation to be paid to any corporation or person for the promotion or organization of an association, or (2) for any part of the money collected or to be collected from subscribers or shareholders to be applied to the payment of promoters' fees for obtaining subscriptions or selling shares or for services in starting such association, whether such fee, commission, or compensation is provided for by the contract with the proposed association, with the promoters, with the subscribers, or otherwise. This prohibition shall not be construed to affect reasonable counsel fees paid or agreed to be paid to an attorney at law, other than promotion services.

In any case in which there has been a violation of this section, the Board shall have the power to disapprove the articles upon this ground alone.

§ 3. *Filing Articles of Incorporation: Power and Duty of Commissioner and Building and Loan Board.* Before filing the articles of incorporation of any proposed association in the office of the county clerk in the county in which the association is to do business, and with the secretary of state, as is required by law, the incorporators shall present to the Commissioner a copy of said articles of incorporation, to-

gether with the proposed by-laws of the association, and an affidavit stating all expenses connected with the organization of the association and the procuring of subscriptions, including any counsel fee paid to an attorney at law, and including a declaration that no fee, commission, or compensation of any other kind has been or is to be paid to any corporation or person for the promotion or organization of the association or for the procuring of subscriptions or the sale of its shares, and when same are approved in writing by the said Commissioner, and confirmed by the Board, the incorporators may proceed to the filing of said articles of incorporation and recording the same. Upon presentation of said articles of incorporation and by-laws to the Commissioner for approval, he shall carefully examine same and shall make such inquiry and investigation as it may be necessary to ascertain from the best sources at his command:

(1) Whether the name of the proposed association is likely to mislead the public as to its character or purpose.

(2) Whether the convenience and advantage of the public will be served by the proposed incorporation, and whether the density of the population in the neighborhood designated for the place of business of such proposed association and in the surrounding country affords reasonable promise of adequate support for the enterprise.

(3) Whether the responsibility, character, and general fitness for the business of the incorporators and directors named in the articles are such as to command the confidence of the community and to warrant the belief that the business of the proposed association will be honestly and efficiently conducted in accordance with the intent and purpose of this Act.

(4) Whether any fee, commission, or compensation, other than a reasonable counsel fee, has been paid to any corporation or person for the promotion or organization of such association or whether any part of the money collected

or to be collected from subscribers or shareholders has been or is to be applied to the payment of promoters' fees for obtaining subscriptions or selling shares or for services in starting such association, whether such fee, commission, or compensation is provided for by contract with the proposed association or by contract with the subscribers to the shares.

Upon his conclusions he shall approve or refuse to approve said articles of incorporation. His approval or disapproval shall be made in writing to the Building and Loan Board at its next regular meeting, and if confirmed by said Board, such confirmation shall be conclusive unless the incorporators, within thirty days of the issuance of such notice of refusal by the Board shall apply to the Circuit Court of Franklin County for a Writ of Mandamus to compel the filing of such articles of incorporation. Appeals shall be from the judgment of the Circuit Court to the Court of Appeals in the same manner as appeals in other mandamus cases are now allowable. The approval by the Board shall be the authority for the County Clerk of the County in which the association is to do business and the Secretary of State to receive said Articles for filing and recording, and the granting of a certificate to do business. Upon the filing and recording of said articles and doing all the other things required by the laws of the State, the said Building and Loan Association shall be deemed organized for the purpose named in its articles of incorporation, but no corporation seeking to do a building and loan business shall actually transact any business until it receives from the Commissioner a certificate, in which it shall be set out that said corporation has fully complied with all the provisions of this Act and other pertinent laws.

§ 4. *Amendment of Charter.* Any association heretofore or hereafter incorporated under the laws of this State may, by a resolution adopted by a majority vote of shares represented and voted at any annual meeting, or at any meeting called for that purpose, increase its authorized number

of shares or capital stock or amend its articles of incorporation by extending the duration of the time for which said association was organized, or amend its articles of incorporation or by-laws in any manner consistent with the provisions of this Act. No such increase of number of shares or amendments to the articles of incorporation shall be effective until the same shall have been approved by the Commissioner. The amended articles of incorporation shall be acknowledged and executed by a majority of the board of directors of said association. Upon approval of such amendment in writing by the Commissioner, the amended articles of incorporation may be recorded in the office of the county clerk in the county wherein the place of business of said association is located and in the office of the Secretary of State, and when so recorded, the articles of incorporation shall be amended to the extent indicated, provided the association has complied with all the provisions of this Act and other pertinent laws.

§ 5. *Consolidation of Associations.* Any two or more associations of this State may consolidate into a single corporation by a majority vote of all the members of each of the different associations at a special meeting of each association called for that purpose, of which at least thirty days' notice by mail or publication by one insertion in a newspaper of general circulation in said county shall be given to each member. The consolidation to be upon such terms as shall be mutually agreed upon by the directors of such associations, and the terms shall be plainly set forth to each member in the notice of the special meetings.

§ 6. *Annual Reports.* Every domestic Building and Loan Association shall, in the month of January of each year, file in the office of the Commissioner a statement of its condition at the close of business on the 31st day of December preceding. The statement shall be signed and sworn to by the President or Manager or Secretary and attested by at least two Directors, showing the amount of paid-up capital, the

amount of all cash receipts and disbursements and such other facts as the Commissioner may require, and every corporation, officer, agent or manager failing or refusing to make said report and to furnish any information called for by Commissioner under oath, and at attestation of its officers, as required, shall be severally guilty of a misdemeanor and fined not less than one hundred dollars (\$100.00).

§ 7. *Report to Governor.* The Commissioner shall annually, at the earliest possible date after the statements of all associations, are received, make a report to the Governor of the general conduct and condition of all associations doing business in this State, including the information contained in the annual statements of the associations, arranged in tabular form, together with such suggestions as he may deem expedient. He shall have printed of such report as many copies, not less than two hundred, as he may deem necessary, and such report shall contain a copy of any decisions or rulings which have been made regarding any section of this Act. The Commissioner shall mail one copy of the report to each association in the State, the cost of such printing and distribution shall be paid from the funds of the Board as herein or heretofore provided.

§ 8. *Accounting System—Appraisal Record.* Every association shall keep its books in such form as to accurately show its assets, liabilities, income and disbursements in detail and shall show the appraisal values in ink of the real estate security held in connection with each loan and signed in each case by the appraisal officer or committee charged with making such estimated valuation.

§ 9. *Illegal Practices and Insolvency.* In case the Commissioner shall find upon examination or from other evidence that any association is conducting its business in whole or in part contrary to the law of this State, or is failing to comply with the law, or that its assets are impaired, or is conducting its business in an unsafe, unauthorized or fraudulent manner

which will jeopardize the safety of the investments therein, the Commissioner shall by writing addressed to the President and each director of such association direct attention thereto and order compliance with the law or the correction of unsafe, unauthorized or fraudulent practices within 30 days from the dispatch of such notice by registered mail, or in cases of insolvency, regardless of such association's methods of business, may with the approval of the Board, order its liquidation without notice.

§ 10. *Communication from Commissioner.* Each official communication directed by the Commissioner or one of his examiners or deputies, to an association, or an officer thereof relating to an investigation or examination conducted by the Commissioner or one of his examiners containing suggestions or recommendations as to the conduct of the business of the association, shall be submitted by the officer who receives it to the Board of Directors at the next meeting of the Board and shall be noted in the minutes of the meeting of the Board.

§ 11. *Liquidation.* Authority to institute any action or suit for the liquidation of an association in case of insolvency or otherwise shall vest only in the Commissioner with the approval of the Board.

§ 12. *Procedure in the Event of Insolvency.* (1) Should any association notified as set out under Section 9 (862) of this Act, fail or neglect to comply with the notice thus given with the time stipulated in such notice, the Commissioner is hereby given power and authority upon approval of the Building and Loan Board, to take possession of all books, assets and records of every description of such association and hold and retain possession of the same pending the further proceedings hereinafter specified. (2) Upon taking possession of the effects of the Association the Commissioner shall prepare or have prepared a full and true statement of the affairs and condition of such association, including an itemized statement of its assets and liabilities and shall receive

the dues on all debts and claims belonging to it, and shall generally administer the affairs of the association. The Commissioner shall within thirty days next after taking possession of the affairs of the Association, convene a special meeting of the members for the purpose of considering and acting upon his report of the affairs and condition of such association as found by him from his examination thereof. The members may at said special meeting take the necessary steps to comply with the previous orders of the Commissioner as to the conditions and practices of such association, at which meeting a majority of the shares in force must be present either in person or by proxy, and by the vote of those owning two-thirds of the shares represented at said meeting, resolve to go into liquidation, and for that purpose may by a majority vote of the shares represented at that meeting elect a receiver and fix his compensation, the compensation to be allowed a receiver under this section being an amount reasonable in proportion to the value of the property of the Association, and in no event to exceed \$3,600.00 per annum. (3) Such receiver and the compensation allowed him shall be approved by the Board, and such receiver shall not undertake the duties of his office until the Board, by a majority vote of its members, shall have approved the appointment of the receiver and his compensation by a duly adopted resolution to be filed in the office of the Commissioner, unless said Board shall fail for a period of fifteen days after receiving notice of such action by the members to act thereon, in which case the Commissioner shall have the power to approve the action of the members without action by the Board and such receiver shall then proceed to act the same as though the Board had approved such action of the members. A copy of the resolution adopted by the meeting of the members and duly certified by the presiding officer and secretary of said special meeting together with the name and address of the receiver thus elected shall be filed with the Commissioner. (4) Before en-

tering upon the duties of his office, the receiver shall be required to execute to the Association a good and sufficient corporate surety bond for the faithful discharge of his duties which bond shall be approved by and filed with the Commissioner. (5) Upon the election and qualification of said Receiver as above provided, the Commissioner shall when so ordered by the Board turn over and deliver to said receiver all the books, papers and records or effects of any description in his hands belonging to said Association. (6) Said receiver shall be charged with the collection of all dues, interest and other charges accruing upon the mortgages, notes or other claims owing to the Association, but shall receive no further dues or other payments upon any unpledged shares, or certificates issued by the Association and shall issue no further shares or certificates of the Association. He shall pay and procure the discharge of all preferred debts and obligations of the Association, and after paying legal and other expenses of his receivership, which shall be approved by the Board, he shall distribute the balance of the assets from time to time under orders from the Commissioner, pro rata to the liabilities of the Association to its members and certificates in proportion to the sums paid in on its several outstanding shares and certificates unpledged. (7) To facilitate the work of liquidation of such Association the receiver may compromise and settle all claims held by or against said association, and on orders from the Commissioner so to do shall negotiate for the sale and transfer of the mortgages and other assets and property of the Association, including any real estate owned by the association, to another corporation or corporations, associations, person or persons, subject to the vested and accrued rights of the mortgagors, but before any such sale or transfer is carried out and consummated, a full report of the negotiations and the proposed terms and conditions of such sale and transfer shall be filed with and approved by the Commissioner and the Board. (8) Upon completion of the

said duties entrusted to him, said Receiver shall procure a statement to that effect, reciting therein that all the liabilities of such Association have been completely discharged as far as its assets will permit and its assets and property distributed among all the persons entitled thereto. Said statement shall be subscribed and sworn to by said receiver and filed with the Commissioner and a notice of such dissolution shall be published for three consecutive weeks in a newspaper published in the county wherein the principal office of the Association is located. Upon the filing of said statement and making publication of said notice as aforesaid, and the approval and confirmation of said statement and report by the Commissioner, such association shall be deemed liquidated and dissolved.

(9) The election, appointment and approval of the said receiver shall not divest the Commissioner or the Board of any of the rights and duties of their respective offices with reference to the affairs of the Association under process of liquidation, and the Commissioner may exercise the same supervision and the same direction over the administration of the affairs of such association by the receiver as have been vested in him by law, including the right to examine the affairs of such association from time to time and with the approval of the Board to again convene the members in special meeting as hereinbefore set out, for the purpose of electing a new receiver should such meeting decide so to do, nor shall it divest the members of the right to re-open the association for business upon meeting the requirements of the Commissioner and the Board. (10) In case the members fail or refuse at the meeting hereinabove authorized to provide for the correction of the unsafe, unauthorized or fraudulent practices called to their attention by the Commissioner, or in cases of insolvency, to provide for the liquidation of such Association, then the Commissioner, with the approval of the Board, shall have the power and authority to appoint a receiver for such association, whose duties and powers shall be the same as though

he had been appointed or elected at such members' meeting and such receiver shall proceed to liquidate the affairs of such association as hereinabove provided. (11) The duly qualified receiver while administering the affairs of an Association shall have the authority to satisfy mortgages which have been duly paid off on the records of the office in which recorded, shall have the authority to employ an attorney and any other help necessary, and shall exercise the duties and authority ordinarily exercised by the president or chief executive officer of an association as well as the powers and authority conferred upon him by virtue of this Act.

§ 13. *When Associations May Reorganize or Go Into Voluntary Liquidation.* Any association may reorganize or go into voluntary liquidation by the votes of its members owning at least two-thirds of the shares in force at the time the vote is taken. Whenever the members shall desire to reorganize or go into voluntary liquidation, it shall be the duty of the board of directors of the association or the committee of members appointed for that purpose, to submit the question of reorganization or voluntary liquidation to a vote of the members at a special meeting of the members to be called and held as herein provided, but no association shall reorganize or go into voluntary liquidation without the approval of the commissioner.

§ 14. *Meeting of the Members Can be Called; Notice to be Given.* Whenever a meeting of the members is to be called for the purpose aforesaid, it shall be the duty of the board of directors or of said committee to convene a special meeting of the members at the principal office of the association at such time as such directors or committee shall fix and determine.

Notice of meeting shall be given to every member of the association by depositing at the post office at least ten days before the time fixed for the meeting, a notice properly addressed to every member at his last recorded address as shown

on the books of the association. The directors or committee shall also cause a notice of the meeting to be certified to the Commissioner at the time notice is given to the members.

§ 15. *Voting; Adoption of Resolution to Reorganize or Liquidate.* At the special meeting all votes taken shall be by ballot, and votes by the members owning at least two-thirds of its shares in force at the time the vote is taken shall be necessary to carry any resolution for the reorganization or liquidation of the association; and, if, at the meeting, said members shall, in the manner herein provided, pass a resolution for the reorganization or liquidation, a copy of the resolution, duly certified by the presiding officer and secretary of the meeting, shall be given to and contain full instructions and define the authority and compensation of the party or parties to be named therein to answer and discharge the duties intrusted to them by such resolution, and a like duly certified copy of the resolution, instructions and authority shall immediately be filed with the Commissioner by the party or parties named in any resolution before they shall enter upon the discharge of their trusts. Before the party or parties named in any resolution shall assume the duties of his trust, they shall become bound with two or more sufficient sureties or in some good and responsible fidelity insurance company in such sum as the Commissioner of this State shall require and approve.

§ 16. The plan of voluntary dissolution proposed by the directors shall set forth in detail the number of liquidating trustees, which shall be one, three, or five, to be elected by the shareholders, the amount of the bond which shall be supplied by each of them, and the powers, duties, and compensation of such liquidating trustees. The resolution shall be declared adopted upon receiving the affirmative vote of the holders of at least a majority of the shares represented in person or by proxy. If the resolution is adopted, the shareholders shall forthwith proceed to elect the number of liqui-

dating trustees provided for in the plan of voluntary liquidation. If more than one liquidating trustee is to be elected, each shareholder shall have the right, in person or by proxy, to multiply the number of votes to which he may be entitled by the number of liquidating trustees to be elected, and he may cast his whole number of such votes for one candidate or he may distribute them among any two or more candidates. The candidates receiving the highest number of votes up to the number of liquidating trustees to be chosen shall be elected.

§ 17. *Certificate of Election to Dissolve Voluntary.*

A. Upon the adoption at a meeting of the shareholders of a resolution for the voluntary dissolution of an association, pursuant to the provisions of this Act, a certificate of election to dissolve shall be executed, under the seal of the association, signed and verified by at least two duly authorized officers of the association, which shall set forth:

- (1) The name of the association.
- (2) The exact location of its place of business.
- (3) The names and respective addresses, including the street and number, if any, of its officers.
- (4) The names and respective addresses, including street and number, if any, of its directors.
- (5) The number of directors voting for, and the number voting against, the proposed plan of voluntary dissolution.
- (6) The number of shares outstanding, the number of shares entitled to vote in respect to the dissolution of the association, and the number of shares voted for, and the number voted against, the proposed plan of voluntary dissolution.
- (7) The names and addresses of the proposed liquidating trustees who were elected at the shareholders' meeting, and the number of votes received by every candidate for the position of liquidating trustee.
- (8) The amount of the bond required to be supplied by each trustee.
- (9) The signed statement, under oath or affirmation, of

each of the proposed liquidating trustees that he is willing to serve as liquidating trustee, subject to the provisions of this Act and to the terms of the proposed plan of voluntary dissolution, that he will, so far as the duty devolves upon him, diligently and honestly liquidate the affairs of the association, and will not knowingly violate or permit to be violated any of the provisions of this Act or of the proposed plan of voluntary dissolution.

(10) The proposed plan of voluntary dissolution.

B. The certificate of election to dissolve shall be delivered to the Commissioner. The Commissioner shall then conduct an examination or an investigation, or take such other action as it deems necessary, to determine whether to approve the plan of voluntary dissolution.

§ 18. *Approval by the Commissioner of Certificate of Election to Dissolve Voluntarily; Filing; Commencing of Liquidation.* If the Commissioner shall approve the certificate of election to dissolve, it shall endorse its approval thereon. Upon the filing by the Commissioner with the Secretary of State of the certificate of election to dissolve, the association shall cease to transact its business, and the liquidating trustee or trustees, as the case may be, shall commence the liquidation of the association. The liquidating trustee or trustees shall thereafter be authorized to carry out, in his own name or in their own names as liquidating trustee or trustees of the association, the powers granted to him or to them by the plan of voluntary liquidation.

§ 19. *Notice to Creditors and Shareholders.* A. After the Commissioner has transmitted to the association the copy of the certificate of election to dissolve, the liquidating trustee or trustees, as the case may be, shall forthwith give notice to all corporations or persons who appear upon the books or other records of the association as, or who are otherwise known to the liquidating trustee or trustees to be, creditors or shareholders of the association. Such notice shall be sent to

or given at the address which appears upon the books or other records of the association for the particular corporation or person, or if no address appears there, then to the last known address of such corporation or person.

The notice to each shareholder shall state the amount which the books or other records of the association show to be due to such shareholder. It shall also state that unless such shareholder shall present his claim under oath or affirmation, within three months from the date of the giving of such notice, the amount shown to be due by the books of the association will be conclusively presumed to be correct.

The notice to each creditor, other than a shareholder, shall inform such creditor that he must present his claim, under oath or affirmation, within three months from the date of the giving of such notice, or else be barred from claiming an amount exceeding the amount shown to be due him on the books or other records of the association, and that he must present his claim, under oath or affirmation, within six months from the date of the giving of the notice or else be forever barred from sharing in any distribution of the assets of the association.

B. The liquidating trustee or trustees, as the case may be, shall also forthwith advertise once a week for three successive weeks in a newspaper of general circulation, in the county where the association is situated, that the association is being liquidated pursuant to a plan of voluntary liquidation; that all shareholders must present their claims, under oath or affirmation, within three months after the date specified in such advertisement, which shall not be earlier than the first day on which advertisement was made either in the newspaper of general circulation or in the legal newspaper, or be bound by the amount shown by the books or other records of the association to be due them, or if a shareholder does not appear upon the books or other records of the association to be a shareholder, that he must present his claim, under oath

or affirmation, within six months from such date, or else be permanently barred from sharing in the distribution of the assets of the association; and that any creditor other than a shareholder, must present his claim, under oath or affirmation, within three months from the date specified in the advertisement, which shall not be earlier than the first day on which advertisement was made in the newspaper of general circulation or else be barred from claiming an amount exceeding the amount shown to be due him on the books or other records of the association, and that he must present his claim, under oath or affirmation, within six months from such date, or else be forever barred from sharing in any distribution of the assets of the association.

C. After the expiration of three months from the date of giving notice to creditors who appear as creditors upon the books or other records of the association, other than shareholders, the liquidating trustee or trustees, as the case may be, shall forthwith send a notice by registered mail to each creditor who has not yet presented his claim, under oath or affirmation, stating that unless he presents his claim, under oath or affirmation, within six months from the date upon which he was given the first notice required by this section, he will be forever barred from sharing in any distribution of the assets of the association. Such notice shall be sent to the address which appears for such creditor upon the books or other records of the association, or, if no address appears there, to his last known address.

D. The first insertion of an advertisement in the newspaper of general circulation shall, in so far as possible, be made on the same day as the giving of notice to shareholders and creditors.

§ 20. *Prohibition Upon Allowance of Claims.* The liquidating trustee or trustees, as the case may be, shall not allow any of the following claims:

- (1) The claim of a shareholder who appears upon the

books or other records of the association as a shareholder, for an amount in excess of the amount which the books or other records show to be due him as a shareholder, unless he has presented such claim, under oath or affirmation, within three months after the giving of notice to him.

(2) The claim of a shareholder who does not appear upon the books or other records of the association as a shareholder, unless he has presented such claim, under oath or affirmation, within six months after the date of the publication of the first advertisement required by this Act.

(3) The claim of any creditor, other than a shareholder, for an amount in excess of the amount shown to be due him on the books or other records of the association, unless he has presented such claim, under oath or affirmation, within three months after the giving of notice to him, or any claim at all of such creditor, unless he has presented such claim, under oath or affirmation, within six months after the giving of notice to him.

(4) The claim of any creditor, other than a shareholder, who does not appear upon the books or other records of the association as a creditor, unless he has presented such claim, under oath or affirmation, within six months after the date of the publication of the first advertisement required by this Act.

§ 21. *Bonds of Liquidating Trustees.* Before any liquidating trustee shall enter upon his duties, he shall furnish to the association a bond in such amount as is specified in the certificate of election to dissolve, or in such greater amount as is required by the Commissioner, with such surety as is approved by the Commissioner, conditioned upon the faithful performance of his duties as liquidating trustee. The Commissioner may grant a reduction of such bond whenever it shall appear to it that, as a result of partial liquidation or a decrease in the value of the assets of the association, such reduction is justified. The cost of the bond of a liquidating

trustee may be paid out of the assets of the association. Such bond shall be filed with the Commissioner.

§ 22. *Death or Resignation of Liquidating Trustees.*

A. In any case in which a plan of voluntary dissolution provides for one liquidating trustee, and such liquidating trustee dies, resigns, or for any reason becomes unable to perform the duties of a liquidating trustee, the Commissioner shall forthwith appoint a liquidating trustee to take his place.

B. In any case in which a plan of voluntary dissolution provides for three or five liquidating trustees, and one or more of such liquidating trustees die, resign, or for any reason become unable to perform the duties of liquidating trustees, the remaining liquidating trustees, if they constitute a majority of the whole number of liquidating trustees provided by the plan of voluntary dissolution, shall, by a majority vote, select a liquidating trustee or liquidating trustees to take the place of such trustees. If the number of liquidating trustees remaining does not constitute a majority of the whole number of liquidating trustees provided by the plan of voluntary dissolution, or if the number of remaining liquidating trustees constitutes such majority, but they are equally divided in their votes for a new liquidating trustee or trustees, the Commissioner shall forthwith appoint a liquidating trustee to take his place.

C. Any liquidating trustee appointed pursuant to the provisions of this section shall have the same powers, and shall be subject to the same duties, as the liquidating trustee whose place he takes.

§ 23. *Examination by Commissioner; Taking Possession by Commissioner.* The Commissioner shall have the same power to examine or investigate the affairs of an association which is in the process of voluntary dissolution, and to assess the cost of such examination or investigation upon such association, as is provided by law in the case of associations which are not in the process of voluntary dissolution.

The Commissioner shall have the power to take possession of an association which is in the process of voluntary dissolution, and the Commissioner of Banking, automatically and by operation of law, to take over such possession as receiver, whenever it shall appear to the Commissioner that the best interests of the creditors and shareholders of the association will be served by such action.

§ 24. *Approval of Commissioner Before Payment of Dividends.* A liquidating trustee or trustees, as the case may be, shall not distribute any of the assets of the association in the form of dividends to shareholders without the prior written approval of the Commissioner.

§ 25. *Order of Preference in Distribution.* A. The following shall be the order followed by the liquidating trustee or trustees, as the case may be, in the distribution, pursuant to the provisions of this Act, of the assets of any association which is being liquidated in pursuance of a plan of voluntary dissolution:

First. Any reasonable expense incurred by the liquidating trustee or trustees, as the case may be, in the management, liquidation, or distribution of the assets and affairs of the association; any fee or other debt, owing to the Commissioner for examinations, or other services rendered, or penalties, incurred; and any other claim which is given a preference by law.

Second. Any claim of a creditor of the association, other than the claim of a shareholder arising from his ownership of shares.

Third. Any claim of a shareholder, whether or not reduced to a judgment, arising from his ownership of shares.

§ 26. *Articles of Dissolution.* A. When the liquidating trustee or trustees, as the case may be, have completely liquidated and distributed the assets of an association in the manner provided by this Act, articles of dissolution shall be executed under the seal of the corporation, signed and verified

by the liquidating trustee or trustees, as the case may be, which shall set forth:

(1) The name of the association.

(2) The address, including the street and number, if any, of the place of business of the association.

(3) A statement that the association has theretofore delivered to the Commissioner of Banking a certificate of election to dissolve, and the date on which the certificate was approved by the Commissioner of Banking.

(4) A statement that all the assets of the association have been liquidated and the distribution of the proceeds made, in the manner provided by this Act.

(5) A statement that there are no suits pending against the association in any court.

B. The articles of dissolution shall be delivered to the Commissioner. If the Commissioner shall approve the articles, it shall endorse its approval thereon, and shall send them to the Secretary of State, which shall issue to the association, or its representative, a certificate of dissolution. Upon the issuance of the certificate of dissolution, the existence of the association shall cease. The Secretary of State shall forthwith send a copy of the articles of dissolution to the Commissioner.

ARTICLE FOUR—MANAGEMENT—GENERAL POWERS

§ 1. The business of the association shall be managed by a Board of Directors of not less than six (6) in number, all of whom shall be bona fide shareholders in such association owning not less than five (5) shares each and residents of the State of Kentucky. The directors may, by the by-laws, be divided into one, two, or three classes, the term of office of those of first class to expire at the annual election next ensuing; of the second class, one year thereafter; of the third class, two years thereafter, and at each annual election held

after such classification, directors shall be chosen for two or three years, as the case may be, to succeed those whose terms expire. The officers shall consist of President, Vice President, Secretary and Treasurer, or General Manager, and such other officers as the association may by its by-laws determine necessary to the management of its business. The office of Secretary-Treasurer may be combined in one officer.

The duties and qualifications of the officers and directors, their terms of office, the time and manner of their election, the manner of filling vacancies, the time of holding periodical meetings of the officers and shareholders, the manner of calling all special meetings and manner of voting when not provided for in this Act shall be determined by the by-laws.

When not provided in this Act and unless the compensation of the Secretary, or Secretary-Treasurer or General Manager, and employees of the association shall be provided for in the by-laws, the directors shall fix and determine the same. No compensation shall be paid to President, Vice President, Treasurer, or to any director unless authorized by the by-laws.

§ 2. *Non-Election of Directors.* No Building and Loan Association shall cease or expire from neglect on the part of the association to elect directors or officers at the time mentioned in by-laws, and all directors and officers elected by any association shall continue in office until their successors are duly elected and qualified.

§ 3. *Officers' Bonds.* Every person appointed or elected to any position requiring the receipt, payment, or use of money belonging to such association shall within thirty (30) days after such appointment or election become bonded in some good and responsible fidelity insurance company in such amounts as the directors shall require and approve the premiums upon all such bond and renewals thereof to be paid by the association. No officer or employee who is required to give bond shall be qualified to enter upon the discharge of his

duties until his bond has been approved by the majority of the directors. All bonds shall be in custody of the officer provided for in the by-laws.

§ 4. *General Powers.* In addition to the powers conferred by the general corporation law, the Board of Directors of every Building and Loan Association shall, subject to the restrictions and limitations contained in this article and its by-laws have the following powers:

1. To issue the shares of stock described in Article Five and deliver certificates or pass-books representing such shares; to receive from its members the sums of money, or dues, payable on such shares; to invest the moneys so received in the property and securities prescribed in Section 15 (875) of Article Five; to declare and credit dividends in the manner prescribed in this article; and to exercise by its board of directors or duly authorized officers, agents or representatives, subject to law, all such incidental powers as shall be necessary to carry on the business of an association, in accordance with the intent and purpose of this article.

2. To charge an entrance or membership fee and a withdrawal fee upon shares issued by it, and to permit the transfer of shares upon the payment of a transfer fee and upon compliance with its by-laws, but no membership fee or transfer fee or withdrawal fee shall exceed two per cent of the par or maturity value or selling price of the stock issued or sold.

3. As an added safeguard in lending their funds and as a further protection to their members and the public, associations are hereby authorized to provide for and maintain a fund to service the loans and properties securing such loans, including among other things services in reference to investigating the moral and financial standing of applicants for loans, the enforcement of all contractual requirements of borrowers, including insurance, maintenance, repairs, delinquencies, defaults and continuing security; taxes, assessments and other governmental levies; and operating expenses, and, such

associations shall be authorized to collect a service fee, the amount of which shall in no event exceed two per cent per annum of the unpaid balance of the loan; and provided further that such service fee shall be in addition to legal interest and the actual expenses incurred in making, securing and closing the loan, and shall not be deemed as interest or compensation for the use of the money loaned, but shall be used in defraying the expense of maintaining said fund and in servicing said loans, as contemplated herein. Such service fee may be made payable in periodic installments running throughout the life of the loan; and provided further, that if the loan is paid within one year from the date same is made, the service charge may be retained or collected for the full year, but where loans are paid after the period of one year, a proportionate service charge shall be retained or collected only to the date of payment; and provided further that it shall be the duty of the Commissioner, at the time of the making of annual examinations of Building and Loan Associations, as directed by the laws of Kentucky, to cause to be made such investigation as may be necessary to determine whether Building and Loan Associations, as authorized by this Act, are charging fees in excess of the amount reasonably required to defray the expense of maintaining the service contemplated herein; and, in the event he should find that the provisions of this Act are being violated, it shall be the duty of said Commissioner to take such action as may be necessary, under the law, to prevent such associations from continuing such acts, and the Commissioner is hereby given the power to reduce such service charge.

4. To mature shares and pay to the holders thereof the matured value of such shares; to repurchase shares and pay to such members the repurchase value thereof; to retire shares and pay to the holders of the shares so retired the full value thereof; and to suspend shares held by delinquent members.

5. To make loans to its members on their shares of stock

and on real estate either on the Share Reduction plan (i. e., where payment and dividends on shares of stock are used to reduce the loan), or on the Direct Reduction Plan (i. e., where payments are credited periodically to interest and the balance to reduction of principal) or on both plans.

6. To borrow money for the purpose of paying dividends earned, taxes, insurance premiums, and apportionment warrants, withdrawals and loans to its members or any other purpose not inconsistent with the objects of the Association and assign and pledge its notes and mortgages as security for such loans, not exceeding an amount equal to 10% of the amount paid in on its shares except from a Federal Home Loan Bank. In no event shall the association borrow more than an amount equal to 35% of the amount paid in on its shares.

7. To receive payments made periodically by its borrowing members in addition to the required payments of dues, or principal and interest on mortgage loans, for the purpose of accumulating a fund to be used by the association to pay the taxes, insurance and maintenance of the real estate upon which the association holds a mortgage. Any association receiving such payments from borrowing members shall hold same in a separate fund designated as "Tax, Insurance and Maintenance Fund" and said payments made to said fund shall not be considered as payments on shares but as money to be used by the association only for the payment of the taxes, insurance and maintenance of the real estate of those borrowing members who regularly make the required payments into such fund to the extent of such payments so made.

The association shall disburse out of said fund to the extent of the amount paid in by each borrowing member the taxes, insurance and maintenance bills as they are submitted and approved by the borrowing member.

Associations creating said fund shall be authorized to enter into contracts in writing with their borrowing members

providing for the receiving and disbursement of said payments.

Provided further, that associations may provide in the notes and mortgages received as security for their loans an agreement whereby the borrowing member pledges his or her real estate for such additional sum of money as may be required to pay future taxes, insurance premiums and ordinary maintenance of the real estate during the period or amortization of the loan or any part thereof. The sums so provided shall be used only for the payment of future taxes, insurance premiums and maintenance of the real estate and shall be charged against said borrowing member as used for that purpose; interest to begin from such time as disbursements are so made.

No extra charge for this service rendered to the borrowing member shall be made by the association other than the service fee permitted in this act.

8. To borrow money from and assign to the Federal Home Loan Bank mortgages and other securities owned by it as security for the payment of any obligation owing to such Bank by the Association; to exercise such other powers that may be conferred upon member associations of such Home Loan Bank; and to perform such duties and obligations as may be lawfully required of such member associations.

9. To become a member of and to invest in the shares of the Federal Home Loan Bank of the district in which this State is located or of the adjoining district where membership is approved by the Federal Home Loan Bank Board in said adjoining district; elect a representative to vote at the meetings of the Federal Home Loan Bank; nominate a director or directors of such bank and to exercise all the powers conferred by law upon a member association of such Home Loan Bank including the right to deposit money with such bank.

10. To become a member of a league or leagues organized

to protect and promote the interest of Building and Loan Associations and to pay dues to such league or leagues.

11. To make application for, and secure insurance of, mortgages and of shares or accounts as provided by an Act of Congress of the United States entitled "National Housing Act" of One Thousand Nine Hundred and Thirty-four, approved the twenty-seventh day of June, One Thousand Nine Hundred and Thirty-four, its amendments and supplements.

12. The restrictions imposed by this or any other Legislative Act shall not be construed to prevent an association in order to protect itself from a loss upon a loan, from acquiring ownership of, or otherwise taking and holding any kind of property or security, whether real or personal, and any real estate so acquired shall lawfully and properly be held and leased for such a period of time, which may extend beyond five years from the time of acquiring same, as the Board of Directors of the association may deem necessary to hold and lease in order to prevent a loss to the association or its members in the conduct of its business, and the holding of real estate so acquired is hereby declared to be proper and necessary for carrying on its legitimate business.

§ 5. *Examination of Books by Public Accountant.* Any association may allow reasonable compensation to public accountants or expert bookkeepers appointed by the board of directors to make examination of the affairs of the association.

§ 6. *Default in Payment of Dues; Penalty; Forfeited Share Account.* Members who make default in payment of their monthly or weekly dues, or interest, may be charged a fine not exceeding ten cents per share a month on each share in arrears and in the event the member is a borrower, not exceeding an additional ten cents per one hundred dollars (\$100.00) or part thereof on account of failure to pay interest. No fine shall be charged after the expiration of six months from the first lapse in any such payment, nor upon

finances in arrears. The shares of a member who continues in arrears more than six weeks shall, at the option of the directors, if the member fail to pay the arrears within thirty (30) days after notice, be declared forfeited and the withdrawing value of the shares at the time of the first default shall be ascertained and after deducting all fines and other legal charges the balance remaining shall be placed to an account to be designated as the "forfeited share account" to the credit of the defaulting member; said member if not a borrower shall be entitled upon thirty (30) days' notice to receive the balance so transferred without interest in his order or turn out of the funds appropriated to the payment of withdrawals. All shares so forfeited or transferred shall cease to participate in any profits of the corporation accruing after the last adjustment and distribution of profits before said default.

§ 7. *Default in Payment of Dues and Interest by Borrowers; Effect of.* In case any borrower shall fail or neglect to pay dues on stock, or payment of principal or interest, other charges or fines as provided by the by-laws or terms of his note, mortgage or other evidence of indebtedness for a period of six weeks, or shall be in default in the performance of any of the obligations imposed upon him thereby, and such default shall continue for thirty (30) days after notice thereof, then the whole of said indebtedness shall become due and payable at the option of the directors and payment thereof may be enforced by proceedings according to law.

§ 8. *Liability of Directors and Officers.* Any officer, director, trustee, attorney, agent or employee of any association heretofore or hereafter to be incorporated who shall use or dispose of the moneys, property, assets or funds of such association or assign, transfer, cancel, deliver up or acknowledge satisfaction of any bond, mortgage or other written statement belonging to such associations, unless duly authorized or otherwise than in the regular and legal business of the corporation, or who shall be guilty of any fraud in the perform-

ance of his duties shall be liable civilly to the corporation and also to any other party injured to the extent of the damage thereby caused and shall also be deemed guilty of a misdemeanor or felony, and upon conviction be punished in the manner prescribed by law for stealing property of the value of the money, property, assets or funds so used or disposed of, or stealing property of the value of any bond, mortgage or other written instrument so assigned, transferred, cancelled and delivered up.

§ 9. *Foreclosure of Mortgages.* Upon the foreclosure of any mortgage to an association there shall be credited on the mortgage indebtedness the withdrawal value of any shares held by the association as collateral for the loan and thereby the shares shall become canceled. The sale by a member of property mortgaged to an association shall carry with it a transfer of the legal ownership of the shares which are pledged to secure the loan, but shall not relieve such member making such sale from liability on the mortgage indebtedness or any note or notes executed in connection with said mortgage.

ARTICLE FIVE—CAPITAL STRUCTURE

§ 1. *Membership.* The members of a Building and Loan Association shall be only those persons to whom its shares have been issued or transferred in accordance with the provisions of its by-laws; provided that unless prohibited by the by-laws, corporations may become shareholders and members in the same manner as natural persons. Membership shall continue until such shares have been withdrawn and paid, transferred, retired or forfeited. The accumulated payments made to any such association upon shares issued by it shall be called "dues." The capital of every association shall consist of fully paid or the accumulated payments actually made upon the shares and the dividends credited thereto, either individually or by series. Every share issued by such associa-

tion shall have a paid-up or matured or par value of not less than one hundred dollars. The members of Building and Loan Associations shall not be responsible for any losses which the capital shall not be sufficient to satisfy, and the shares shall not be subject to further assessment, nor shall the members be liable for any unpaid installments upon their share subscriptions; except that borrowing members on the share reductions plan shall be required to complete the payments on their shares until their loan is paid in full.

§ 2. *Survivorship Account.* When shares shall have been issued in the name of two persons, or their survivor, in either joint or several form, the right to vote upon such shares at any meeting of the association shall be no greater than if the shares were held by an individual, and payment to either person shall discharge the liability. Upon the death of either of such joint owners, the association shall be liable only to the survivor.

§ 3. *Minors.* Minors may become members and may receive the the withdrawal or matured values of their shares and the interest or dividend thereon and give valid receipts and quittances therefor, and shall enjoy the same privileges and rights as other members including that of pledging their shares, excepting only the right to hold office.

§ 4. *Trust Funds.* An administrator, executor, guardian or trustee or other fiduciary, may in such capacity acquire and hold shares in any Building and Loan Association of this State, and shall have the same rights and be subject to the same obligations and limitations as other shareholders, except the right to hold office.

The shares offered by associations shall be legal investments for the funds of any and all fiduciaries and of fraternal, mutual, and legal reserve insurance companies and credit unions; general, special or sinking funds of municipalities, counties and the Commonwealth of Kentucky, as are not prohibited by the Constitution of Kentucky.

§ 5. *Restrictions as to Deposits.* No association shall carry or have upon its books at any time any demand, commercial or checking account, or any credit to be withdrawn upon the presentation of any negotiable check or draft.

§ 6. *Transfer of Shares.* No transfer of shares shall be binding upon the association until the same has been made upon its books; and the transferee shall take the same charged with all liabilities to the association and the conditions attaching thereto at the time of the transfer.

§ 7. *Withdrawals.* A member may withdraw his or her unpledged shares at any time by giving thirty days' written notice of his or her desire to do so. Upon the filing of such written application to withdraw, the association shall file the same in the order received and shall, after thirty days from the receipt of such application to withdraw, either pay the holder the value thereof, in part or in full as requested, or apply at least one-half of the receipts exclusive of borrowed money of the association as hereinafter provided from its shareholders and borrowers to the withdrawal of such shares in numerical order. Shareholders filing written application for the withdrawal of their shares shall remain shareholders until paid, and shall not become creditors.

Provided, further, that an association shall not be required to pay out on withdrawals more than one-half of the net receipts of such association exclusive of borrowed money after the payment of current dividends, and after making provision for anticipated dividends and the payment of said dividends, repaying money borrowed, and after paying administration expenses of the association, taxes, insurance and repairs on property owned, municipal assessments, and any other necessary expenses.

Provided, further, that should one member apply for a withdrawal of more than five hundred (\$500.00) dollars, he shall be paid \$500.00 in order when reached, and his application shall be charged with such amount as paid and shall be

renumbered and placed at the end of the list of applications to withdraw and thereafter upon again being reached, shall be paid a like amount, but not to exceed the value of his shares, and until paid in full shall continue to be so paid, renumbered and replaced at the end of the list until paid in full. However, the board of directors may at any time either authorize payment of withdrawn or matured shares on a pro rata basis, or, with the consent of the Board, fix a maximum amount not to exceed the sum of \$500.00, to be paid periodically on such shares. The action of the board of directors in authorizing payment to be made on a pro rata basis, or in fixing a maximum amount to be paid periodically, shall also apply to unpaid withdrawals which became effective or to unpaid maturities which were declared prior to the date on which such action was taken by the board of directors. A member withdrawing, when paid, shall receive the full amount paid in as dues or paid-up stock together with only such dividends as have been declared and credited on said shares less all fines, interest or other charges.

Provided, further, subject to the approval of the board of directors, any borrowing member, who shall fully satisfy the directors of his inability to pay, may be permitted to withdrawn from his or her dues a sum sufficient to be applied to the payment of taxes and assessments for municipal improvements, and that the dues so withdrawn shall be applied for such purpose under the supervision of the association, and that the receipts evidencing such payments shall be filed in the office of the association with the note and mortgage of the members.

And further, that the board of directors may, in their discretion, apply any of the money paid in by borrowing members, as dues, to the payment of premiums for fire and tornado insurance.

§ 8. *Withdrawal Involuntary.* The directors may, in their discretion, under the rules made by them in conformity

with by-laws, retire the unpledged shares, in the order of the issue of such shares, by enforcing withdrawal of the same and the owners shall be paid the full value of their shares together with six per cent interest thereon from date of last preceding distribution of profits, less any unpaid fines, provided, that all fully paid, prepaid or matured shares that may be outstanding shall first be retired.

§ 9. *Matured Shares.* When the dues paid in with the dividends credited on any unpledged shares reach the par value of shares as fixed by the articles of incorporation, all payments of dues shall cease, and if the member so desires, he or she shall be entitled to receive the value as fixed by the articles of incorporation with interest at such rate as may be fixed by the board of directors. Payments on withdrawal of matured shares shall be otherwise subject to the same restrictions and limitations as payments on other shares as set out in Section 7 (874f).

§ 10. *Deceased Members.* Upon the death of a shareholder his legal representative shall be entitled to receive the voluntary withdrawal, from the unpledged shares of the deceased. No fine shall be charged or profits credited to any deceased member's shares from and after his decease, unless his legal representative assumes the future payment of such shares; provided, however, that any administrator, executor or other fiduciary may sell, transfer and assign any shares which have not matured without application to any court as provided in Kentucky Statutes 4707.

If any member of a Building and Loan Association shall die, leaving unpledged shares in said association, of which the withdrawal value shall not exceed five hundred dollars, and no executor of his last will and testament, or no administrator of his estate, shall be appointed, the Building and Loan Association of which he is a member, upon receiving a waiver from the State Tax Commissioner may, in its discretion, pay the value of his shares to his widow, or if the de-

cedent was a married woman, to her surviving husband, next of kin, funeral director, or other creditor who may appear entitled thereto. As a condition of such payment, the Building and Loan Association may require proof by affidavit as to the parties in interest, the filing of proper waivers, the execution of a bond of indemnity with securities, and a proper receipt and acquittance for such payment, by the person to whom the payment is made. For any such payment made pursuant to this section the Building and Loan Association shall not be held liable to the decedent's executor or administrator thereafter appointed, or to any other person.

§ 11. *Kinds of Shares.* An association may issue shares upon which payments shall be made at stated periods until the share reaches the ultimate value fixed by the articles of incorporation or by-laws or is withdrawn, canceled or forfeited. Payments on such shares shall commence from date of issuance and if in a series shall commence from its issue, but all shares shall share equally in the profits.

An association may issue Paid-up Shares (those shares which are paid in full at time of issuance), in even shares, or in fractional shares, or may convert matured shares into paid-up shares, and restrict the same to a less rate of dividend than installment shares, but shares so restricted shall state on the face of the certificate of stock issued the restricted rate of dividend. Certificates, pass books or other written evidence of the terms under which payments are made shall be issued to each shareholder on the first payment of dues by him, and the amounts paid shall be credited thereon.

Each share shall be subject to a lien for the payment of the loans which are advanced to the holder of same.

All shares which have matured or which shall have been canceled, withdrawn or retired may be reissued as of subsequent date or series. All shares heretofore issued by any association upon which installments have been paid in advance together with the interest allowed or paid thereon, are hereby legalized and validated.

§ 12. *Limit of Shares to Any One Person.* No person shall hold in any association having an authorized stock of one hundred thousand dollars (\$100,000.00) or less, exceeding an amount equal to two and one-half ($2\frac{1}{2}$) per cent of the whole number of shares, in those having an authorized capital exceeding one hundred thousand dollars (\$100,000.00) and not exceeding five hundred thousand dollars (\$500,000.00) two (2) per cent; those having an authorized capital of five hundred thousand dollars (\$500,000.00) and not exceeding one million dollars (\$1,000,000.00), one and one-half ($1\frac{1}{2}$) per cent; and those having an authorized capital of one million dollars (\$1,000,000.00), or in excess thereof one (1) per cent of the whole number of shares authorized.

Provided, however, that an association may restrict the number of shares to which any person may be entitled to hold in his own name to any number less than that permitted by this section.

§ 13. *Dividends.* Dividends shall be declared, credited or paid on stock in proportion to the amount paid in on such stock, quarterly, semi-annually or annually, as the by-laws may provide, but no dividends shall be declared, credited or paid by any association, except out of net profits collected, after deducting from the earnings all expenses of operation and all losses sustained, except such losses from sale of real estate as may be charged to reserve fund as provided in Section 14 (874m).

§ 14. *Contingent or Reserve Fund.* Every association shall set aside from the net profits at least two per cent thereof each year as a sinking fund to provide against contingent losses until the total amount of the fund so set aside shall equal five (5) per cent of the assets of such association, but this sinking fund shall in no case exceed ten per centum of the assets of the association.

Provided, further, that any and all losses from sale of real estate may be charged against this fund, and in the event

of any such charges, then any and all profits from sale of real estate, to the extent of losses charged, be credited to said fund.

§ 15. *Investment of Funds.* Subject to the provisions of this article and by its by-laws, any association may invest the funds received by it as follows:

1. In loans to its members only.

(a) Upon their notes secured by the transfer and pledge to the association of installment shares having a matured value at least equal to the amount of such loans and further secured by a first lien mortgage upon improved real estate.

(b) Upon the direct reduction plan to members who have subscribed for one or more shares of stock, which shares may have a matured value less than the amount of such loan and which loans are secured by first lien upon improved real estate payable in periodic installments sufficient to amortize the sum by the payment of interest and principal in not less than five, or more than twenty years, as may be agreed upon between the member and the association. The association shall take a note, bond or other instrument legally sufficient to represent the indebtedness of the borrower, which shall require a periodic payment sufficient to amortize the debt in the period fixed. Such payments shall be applied first to the interest on the unpaid balance of the debt, and the remainder to the unpaid principal, until the loan is paid in full. Provided, further, that if an applicant for a loan is not a member of the association at the time, he shall become a member simultaneously with the making and closing of the loan by subscribing to at least one share of stock which shall be pledged as additional security for the loan. Provided, further, making loans of this class shall not affect the mutuality of Building and Loan Associations licensed to do business in the State of Kentucky, and members who have secured direct reduction loans shall have the same powers and liabilities as other members.

(c) Upon notes secured by the transfer and pledge to the association of its unpledged shares, no such loan or loans to exceed in any event an amount equal to 80% of the withdrawal value of such shares pledged for security.

(d) As advances for the payment of insurance premiums and taxes that may accrue upon real estate that is security for loans to members. The association may carry such advances as an asset of the association and it shall have a good and valid lien against real estate and pledged shares of the member to secure the payment of funds so advanced.

(e) Any such notes and mortgages taken by any such association from its members shall be deemed conditioned upon the performance of this article and the by-laws of the association relating to the payment of loans, premiums, fines, interest, dues and fees of any and all kinds although the same may not be fully expressed therein.

2. In real property as follows:

(a) A plot whereon there is or may be erected a building or buildings suitable for the convenient transaction of its business, from portions of which, not required for its own use, a revenue may be derived.

(b) Such as shall be conveyed to it in satisfaction of obligations previously contracted in the course of its business.

(c) Such as it shall purchase at sales under judgments, decrees or mortgages held by it.

3. In shares of a Federal Home Loan Bank of the United States.

4. In lawfully issued obligations of the Federal Home Loan Bank system.

5. In lawfully issued obligations of the Home Owners' Loan Corporation organized by and under the control of the Federal Home Loan Bank Board of the United States.

6. If at any time it has funds in excess of the amount

needed for loans to its members and the payment of matured shares and withdrawals:

(a) In such securities as are authorized as investments for savings banks and savings departments of State banks of this State.

(b) On loans to other savings and loan associations of this State, such loans to be made only when approved by the Board.

(c) On shares to other Building and Loan Associations of this State, providing that the aggregate investments of the association in the shares of other associations shall never exceed 10 per centum of its liability to its own shareholders and provided that the amount of the investment by an association in the shares of another association shall not be in excess of 1% of the resources of the association in which the investment is made.

7. The aggregate amount of funds invested by such association under Section 2a of this section shall not exceed 5% of the gross resources of the association.

8. A reasonable amount in furniture and fixtures against which must be charged an annual depreciation.

9. Nothing herein shall be construed as preventing or restricting the deposit of cash funds of the association with any state or national banking association or with the Federal Home Loan Bank in which such association holds membership.

10. From and after the date of passage of this Act, at least 80% of the funds invested by every association in this State shall be vested in loans secured by first mortgages upon real estate upon which there is located a dwelling for not more than four families.

§ 16. *Restrictions on Real Estate Mortgages.* No Building and Loan Association shall:

1. Take a mortgage upon real estate located without the State or more than fifty miles from its place of business.

2. Take a mortgage on real estate which is not a first lien upon the property described in said mortgage unless every prior mortgage lien or encumbrance thereon is owned by it and no such prior mortgage lien or encumbrance shall be so transferred or assigned by such association until every subsequent mortgage, lien or encumbrance owned by it shall have been fully paid and satisfied.

3. Take a mortgage except upon the written and signed certificate of appraisers appointed by the board of directors which certificate shall state that the real estate described in such mortgage has been examined and that in the judgment of appraiser it affords adequate security for such loan or investment and said certificate shall show separately, value of the land, value of the improvements, and of the building or buildings, erected thereon. Such certificate shall be filed and preserved among the records of the association.

4. Every mortgage and every assignment of a mortgage taken by any such association shall be immediately recorded in the office of the proper recording officer of the county in which the real estate described in such mortgage is located.

5. Lend more than 5% of its total assets on the security of one property or to any one person or corporation, nor in any event in excess of twenty thousand dollars without the written consent of the Board: except that an association with assets under \$100,000.00 may lend up to a maximum of \$5,000.00 in loans on property or to one individual or corporation.

§ 17. *Repayment of Loans.* The borrower may repay a loan at any time upon application to the association in the manner provided in the by-laws, and upon settlement of his account he shall be charged with the full amount of the original loan, together with all installments of interest, dues, premiums and fines in arrears and other charges and shall be given credit for the withdrawing value of his shares

pledged and transferred as security and the balance shall be received by the association in full satisfaction of said loan.

The borrower desiring to retain his shares and membership may, at his option, repay his loan without claiming credit for said shares, whereupon said shares shall be free from any claim by reason of said canceled loan, but in the event the association distributes its profits to non-borrowers in cash, the borrower shall be required to withdraw any profits which have been credited upon his loan.

Provided, however, any borrowing member may elect to have applied as a credit upon his loan or advance the withdrawal value of his pledged shares when such value is equal to one full share or any multiple thereof, the member may withdraw the amount equal to one or more full shares and apply the same to the reduction of his indebtedness, and the remaining shares shall still be held as pledged, and the note evidencing the loan and the mortgage given to secure the same, shall in no manner be prejudiced by such withdrawal and cancellation whether provided for in the mortgage and note, or notes, and after the application of every such credit the amount of such loan or advance shall forthwith be and become reduced in accordance with the amount so applied as a credit and such member shall not thereafter be held liable for any greater amount than shall be remaining due after the application of such credits except for arrearages and penalties occasioned by the member's own default. Notice of the borrowing member's right to apply withdrawal values of shares upon loan or advance shall be given by printed or written notices posted in not less than three conspicuous places in the office of the association.

ARTICLE SIX

§ 1. *Acceptance by Old Association.* Corporations, associations or organizations under the laws of this State or any other State and not engaged in the building and loan

business in this State, may within sixty days after this Act becomes a law, file with the Commissioner a copy of a resolution duly adopted by its board of directors and certified by its secretary accepting the provisions of this Act and electing to operate thereunder and immediately the said association, corporation or organization shall be considered a Building and Loan Association duly organized, created and existing under this Act and subject to all provisions thereof. Such resolution or a certified copy thereof shall be evidence for and against such corporation.

§ 2. *False Rumors About Solvency of Building and Loan Association: Penalty for Circulating.* That any person who shall willfully and maliciously make, circulate or transmit to another or to others any false statement, rumor or suggestion, written, printed or by word of mouth, which is directly or by inference derogatory to financial condition or affects the solvency of any Building and Loan Association doing business in this State, or who shall counsel, aid, procure or induce another to start, transmit or circulate any such statement or rumor shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) or confined in the county jail not less than twenty (20) nor more than one hundred (100) days or both so fined and imprisoned in the discretion of the court.

§ 3. *Merger With or Conversion Into a Federal Savings and Loan Association.* Any Building and Loan Association heretofore or hereafter organized under the laws of this State may convert itself into or merge or consolidate with a Federal Savings and Loan Association, as authorized by the Act of the Congress, commonly known as the Home Owners' Loan Act of 1933, approved June 13, 1933, and any amendments of or supplements thereto, or laws hereafter enacted in substitution therefor, and pursuant to any rules and regulations prescribed, or which may hereafter be prescribed by

virtue of or in accordance with said Home Owners' Loan Act of 1933, or the acts amending or supplementing the same, or enacted in substitution therefor; provided that the members owning at least two-thirds of the outstanding capital stock consent in writing to such conversion or merger or consolidation, and after such consent in writing has been given, the board of directors at any regular meeting of said board by a vote of two-thirds of the members of said board, authorize such conversion or merger or consolidation.

§ 4. *Copy of Resolutions to be Filed with Banking Commissioner.* If conversion or merger or consolidation be authorized, a copy of the resolutions adopted with respect thereto at such meeting, verified by the affidavit of the president or a vice president and the secretary or assistant secretary of the association, shall within ten days after the holding of the meeting be filed in the office of the Commissioner.

§ 5. *Procedure; Time Limitations; Existence of State Association for Suits.* If conversion or merger or consolidation be authorized by the shareholders, then the officers and directors of such applicant association shall be authorized to, and within six months from the date of the adoption of the resolutions by the board of directors, shall take the steps necessary to effect a conversion or merger or consolidation of the applicant institution into a Federal Savings and Loan Association, and upon such terms as may then be agreed upon between the Board of Directors of the applicant institution and the Federal Home Loan Bank Board, or other proper federal authority, said conversion or merger or consolidation to be void if not consummated within eighteen months. Upon the filing in the office of the Commissioner of a certified copy of the charter or authorization issued to such savings and loan association by the Federal Home Loan Bank Board, or other proper federal authority, or of a certificate showing the organization of the applicant association as a Federal Savings and Loan Association, certified to by the Federal

Home Loan Bank Board, or its authorized representative, said State association shall cease to be a Savings and Loan Association and shall be deemed converted into or merged or consolidated with a Federal Savings and Loan Association, except that the corporate existence of the State association shall continue for a period of three years for the purpose of prosecuting or defending suits by or against it, and enabling it to close its affairs.

§ 6. *All Property Vests in Federal Association; Former Creditors' Rights Preserved.* When such a State association shall have been thus converted or merged or consolidated into a Federal Savings and Loan Association, all its property, including all its right, title and interest in and to all property of whatever kind, whether real, personal or mixed, and whether tangible or intangible, shall immediately by operation of law and without any act or deed of conveyance or transfer, be and become vested in and belong to the successor Federal Savings and Loan Association, and the latter shall have and enjoy the same in its own right, provided, however, that no creditor of the State association shall by reason of such conversion or merger or consolidation alone be deprived of or prejudiced with respect to any claim which he may have against said State association.

§ 7. *Charter To Be Recorded.* A certified copy of the charter or authorization issued to the Federal Savings and Loan Association shall be recorded in the corporation records of the county in which said State association had its principal office and place of business, and may be recorded in any other county in the State, and the recorded charter or authorization or certificate, or a certified copy thereof, shall be *prima facie* evidence of the facts therein stated.

§ 8. *Conversion of Federal Savings and Loan Associations.* Any Federal Savings and Loan Association organized pursuant to an Act of Congress entitled Home Owners' Loan Act of 1933, may be converted into an association incorporat-

ed under the laws of this State by an affirmative vote of the shareholders in person or by proxy owning or holding not less than seventy-five (75) per centum of the outstanding shares of such association, and any association which was heretofore operating under this Act, and subsequent to its organization converted into an association now operating under the Act of Congress hereinabove referred to, may be reconverted into an association incorporated under the laws of this State by an affirmative vote of the shareholders in person or by proxy owning or holding not less than fifty-one (51) per centum of the outstanding shares of such association. Provided, that at least thirty (30) days before any meeting of the shareholders called for the purpose of voting on the question of conversion or reconversion, written notice to each shareholder shall be served either personally or by mail, postage prepaid, directed to him at his last recorded address, which shall contain a statement of the time, place and purpose for which such meeting is called; provided, that previous to such meeting the Commissioner shall, after appropriate examination, find that such Federal Savings and Loan Association is found to have all of the requirements of existing law to entitle it to become a State association. Provided, further, that said Commissioner may prescribe terms and conditions upon which such conversion or reconversion shall be made to bring the association into conformity with State requirements either prior or subsequent within a reasonable time. Provided, further, that the Commissioner may make rules and regulations for the ultimate consummation of such conversion or reconversion and upon fulfilling the provisions hereinbefore mentioned, the Commissioner shall, after submitting the new by-laws of the association to the Board, and if the Board finds same satisfactory and in conformity with the requirements of this Act, issue a certificate of the complete conversion or reconversion of the association, making a part thereof a copy of all papers filed in his office in and about the conversion or

reconversion of the association, duly authenticated under his hand and seal of office; and the same shall be recorded in the office of the County Clerk in the county in which the principal office of the association is located, and a copy in the office of the Secretary of State. Upon recording said copies, the association shall be deemed fully converted or reconverted to an association of this State, and may proceed to business.

When such conversion or reconversion becomes effective as hereinbefore provided; all the property of such association, both real and personal, shall immediately by operation of law and without conveyance or transfer of any kind or character, be vested in such converted or reconverted association: Provided, however, that such converted or reconverted association shall continue responsible for all of the obligations of the association prior to the conversion or reconversion.

ARTICLE SEVEN—MISCELLANEOUS PROVISIONS

§ 1. *No Foreign Building and Loan Association Shall Operate in This State.* No foreign corporation shall transact the business of a Building and Loan Association within this State or maintain an office in the State for the purpose of transacting such business. Provided this shall not apply to Federal Savings and Loan Associations.

§ 2. *Charters to be Conformed to This Act.* The repeal of Sections 854, 854a, 854b, 854c 854d, 855, 856, 856a, 857, 858, 858a, 859, 860, 861, 862, 862a, 863, 864, 864a, 864b, 865, 865a, 865b, 866, 867, 867a, 868, 868a, 868b, 869, 869a, 869b, 870, 871, 872, 873-1, 873-2, 873-3, 873-4, 873-5, 874, 874a, 874b, 874c, 874d, 874e, 874f, 874g, 874h, 874i, 874j, 874k, 874l, 874m, 874n, 874o, 874p, 874q, 875, 875a, 875b, 876, 876a, 876b, 876c, 876d, 877, 877a, 877b, 877c and 878 of the Kentucky Statutes shall not affect the corporate existence of associations organized under such act, and every association organized under the provisions of such law shall be subject to the provisions

of this Act in like manner as corporations which are incorporated hereunder. The powers, rights, duties, privileges and obligations of every association organized or doing business defined in Section 1 (854) of this Act under the provisions of law hereinabove described, or any other law of the State, shall be governed, controlled, construed, extended, limited and determined hereafter by the provisions of this Act to the same extent and effect as if such associations had been organized and incorporated under or pursuant to the provisions hereof, and the articles of associations, certificate of incorporation, by-laws or rules of every such association heretofore made or existing, are hereby modified, altered and amended to conform to the provisions of this Act, and the same are hereby declared void where such articles of association, certificate of incorporation, by-laws or rules are inconsistent with the provisions of this act; and every such Building and Loan Association shall possess the powers, rights, duties and privileges, and be subject to the obligations, restrictions and liabilities conferred and imposed by this Act, notwithstanding anything to the contrary in its articles of association, certificate of incorporation, by-laws or rules. All obligations to any such association heretofore contracted shall be enforceable by it and in its name, and demand, claims and rights of action against any such association may be enforced against it as fully and completely as they might have been enforced heretofore. No association organized under prior laws shall be required to change its name in coming under this Act.

Provided that, in the interpretation and application of this statute, particularly in respect of Building and Loan Association heretofore organized and the rights of the members thereof, the following considerations and principles shall be treated and considered as fundamental: (a) the essentially mutual and cooperative character of Building and Loan Associations, and the fact that they have always been considered as quasi public institutions, subject to complete state

control, supervision, and regulation; (b) the necessity that changes in general condition should be reflected in improved legislation, and that, in the public interest, the legislature should have the power to treat and settle, in a manner uniformly applicable to all associations engaged in said industry, all the new problems and conditions constantly arising in Building and Loan matters; (c) the paramount public interest and concern in the promotion of thrift and in the building of homes—matters vital to the public welfare, profoundly affected with a basic public interest, and, therefore, at all times subject to the control of the legislature, in the exercise of the police power to protect the health, morals, and safety of the people.

§ 3. *Acknowledgments.* No notary public or other public officer qualified to take acknowledgments or proof of written instruments shall be disqualified from taking the acknowledgement or proof of an instrument in writing in which a Building and Loan Association is interested by reason of his employment by or his being a member or stockholder or shareholder or officer of the Building and Loan Association interested in such instrument.

§ 4. *Penalty for Declaring Greater Dividends Than Earned.* Any member of the Board of Directors of a Building and Loan Association who knowingly votes to declare; or, being secretary or manager thereof, who willfully declares or advises the Board of Directors thereof to declare a greater dividend than has actually been earned, or has been previously accumulated as surplus by such association, shall personally refund same and be liable to the corporation therefore jointly and severally.

§ 5. *Restrictions to Use Name "Savings and Loan" or "Building and Loan."* No person, firm, company, association, co-partnership, or corporation, either domestic or foreign, unless he or it is lawfully authorized to do business in this State under the provisions of this Act, and is actually

engaged in carrying on a Building and Loan business in this State under the provisions of this Act, shall hereafter transact business under any name or title which contains the term "Savings and Loan" or "Building and Loan", nor use any sign or circulate or use any letterhead, billhead, circular, or paper whatever, or advertise in any manner, which indicates that his or its business is the character or kind of business carried on or transacted by a Building and Loan Association, or which is calculated to lead the public to believe that his or its business is that of a Building and Loan Association. Upon action brought by the Commissioner, injunction will also lie to restrain any person, firm, company, co-partnership, corporation, or agent thereof from continuing to violate any provision of this section.

§ 6. *Repealing Conflicting Acts.* This Act shall be known and cited as "The Building and Loan Code," and all acts and parts of acts in conflict herewith be and the same are hereby repealed, provided, however that corporations organized and now operating under the existing building and loan laws of this State shall continue their corporate existence and powers subject to all other provisions of this Act.

If any clause, phrase, sentence, provision, or paragraph of this statute be declared unconstitutional, such declaration shall not affect any other portion thereof, and all the other parts, clauses, phrases, sentences, and provisions of this statute shall not be affected by such finding, but shall be and remain in full force and effect. The legislature hereby declares that it would have enacted this statute and each distinct, separate, and remaining part thereof, irrespective of the fact that some part or parts might be declared unconstitutional.

To Committee on Banks and Banking.

By Mr. Davis:

H. B. 92. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways, and directing and providing that the costs of construction thereof shall be paid as provided in Chapter 178, of the Acts of 1928 (Section 4356t-8), Kentucky Statutes).

Said bill is as follows, viz.:

Whereas, the State Highway Commission has constructed Federal Highway No. 60 up to the corporate limits of the city of Grayson on both sides thereof, and

Whereas, the city council of said city of Grayson, prior to the enactment of Chapter 178 of the Acts of 1928, has constructed or caused to be constructed, by an ordinance duly enacted after the construction of Federal Highway No. 60, streets over the within described route through said city, upon the 10-year-bond plan, as provided by the Kentucky Statutes, Section 4356t-8, of the same type of construction of said Highway No. 60, on each side of said city, and

Whereas, said city of Grayson now desires to avail itself of the provisions, of Chapter 178 of the Acts of 1928 (Section 4356t-8, Kentucky Statutes), now therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the State Highway primary system of highways in this Commonwealth the following route, to wit:

From a point beginning at the Northwest corporate limits of the city of Grayson where Lansdowne Avenue joins and connects with Federal Highway No. 60 near Christian Normal Institute; thence South over Lansdowne Avenue to Main Street; thence East on Main Street to Robert and Mary Avenue at Prichard High School, thence North over Robert and Mary Avenue to the Northwest corporation limits of said

city where said Robert and Mary Avenue joins and connects with said Federal Highway No. 60.

§ 2. The Commonwealth of Kentucky, by and through its agent, the State Highway Commission of Kentucky, be and it is hereby authorized and directed to ascertain the actual cost of construction of the above described route through said city and within the corporate limits thereof, and after having done so, said Highway Commission shall certify its findings of the cost of construction of said Highway through said city to the Auditor of Public Accounts, who thereupon be and he is hereby authorized and directed to draw his warrant upon the State Treasurer payable to the order of the City of Grayson for such sum as shall be certified to him by said State Highway Commission and as provided in Chapter 178 of the Acts of 1928.

To Committee on Roads and Highways No. 2.

By Mr. Davis:

H. B. 93. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways, and describing and providing that the cost of construction thereof shall be paid as provided in Chapter 178, of the Acts of 1928 (Section 4356t-8, Kentucky Statutes).

Said bill is as follows, viz.:

Whereas, the State Highway Commission has constructed Federal Highway No. 60 up to the corporate limits of the city of Olive Hill on both sides thereof, and

Whereas, the city council of said city of Olive Hill, prior to the enactment of Chapter 178 of the Acts of 1928, has constructed or caused to be constructed, by an ordinance duly enacted after the construction of Federal Highway No. 60, streets over the within described route through said city, upon

the ten-year-bond plan, as provided by Kentucky Statutes, Section 4356t-8, of the same type of construction of said Highway No. 60, on each side of said city, and

Whereas, said city of Olive Hill now desires to avail itself of the provisions of Chapter 178 of the Acts of 1928 (Section 4356t-8, Kentucky Statutes) now: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the State Highway primary system of highways in this Commonwealth the following route to wit:

From a point beginning at the west of the corporated limits of the city of Olive Hill, near the plant of the General Refractories Company, then following Main Street through the city of Olive Hill for a distance of approximately one and one-half miles to the east corporation limits of said city near the residence of Charlie McCoy, where it joins and connects with Federal Highway No. 60.

§ 2. The Commonwealth of Kentucky, by and through its agent, the State Highway Commission of Kentucky, be and it is hereby authorized and directed to ascertain the actual cost of construction of the above described route through said city and within the incorporation thereof, and after having done so, said Highway Commission shall certify its findings of the cost of construction of said Highway through said city to the Auditor of Public Accounts, who thereupon be and he is hereby authorized and directed to draw his warrant upon the State Treasurer payable to the order of the city of Olive Hill for such sum as shall be certified to him by said State Highway Commission and as provided in Chapter 178 of the Acts of 1928.

To Committee on Roads and Highways No. 2.

By same:

H. B. 94. An Act to add to the Primary Road System a certain road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby added to the Primary Road System of the State of Kentucky a road described as follows:

Beginning at the limits of the City of Olive Hill, Ky., by the way of Tick Ridge, down Tar Kiln to Sinking Creek by way of the residence of Ballard Sparks's place to residence of James McFarland, down Mank Ridge to residence of Sam Green; thence to forks of Caney and from there to store of James W. White.

§ 2. The construction, maintenance, supervision and control of said roads shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920 as amended to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State Highways as provided therein.

To Committee on Roads and Highways No. 2.

By Mr. Garner:

H. B. 95. An Act declaring the office of Superintendent of Schools in each county of the Commonwealth to be an elective office to be filled by the voters of the county as other county offices and providing for the filling thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the office of County Superintendent of Schools in each county of this Commonwealth be declared to be and it is now and hereby made an elective office to be filled

for four years at the general election to be held on the first Tuesday after the first Monday of November, 1937, and on that day each four years thereafter the same as other county officers, as provided by Section 148, Kentucky Constitution.

Such Superintendent shall take office on the first day of July following his election.

In event of a vacancy in the office of county Superintendent of Schools, such vacancy may be filled by the county board of education, by the election by it of a County Superintendent to serve until the vacancy may be filled by an election as provided in Section 152, Kentucky Constitution.

All acts or parts of acts in conflict herewith are hereby repealed to the extent of such conflict only.

To Committee on Education No. 1.

By Mr. Garrett:

H. B. 96. An Act to amend and re-enact Subdivision IIIb of Article XII, Chapter 108, Revenue and Taxation, Sections 4223c-1, 4223c-2, 4223c-3, 4223c-4, 4223c-5, 4223c-6, 4223c-7, 4223c-8 and 4223c-9 of Carroll's Statutes, Official Edition 1930.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Subdivision IIIb of Article XII, Chapter 108, Carroll's Kentucky Statutes as revised to 1930, the same being Sections 4223c-1 to Section 4223c-9 inclusive, be and the same is hereby amended, so that when so amended and re-enacted will read as follows:

SUBDIVISION IIIb

OIL AND GAS PRODUCTION

4223c-1. *Tax on Oil and Gas Production; Distribution of; By Whom Levied.* Every person, firm, corporation or asso-

ciation producing crude petroleum oil or natural gas in this state shall in lieu of all other taxes on the wells producing said crude petroleum or natural gas, annually pay a tax equal to one per centum (1%) of the market value of all crude petroleum or natural gas so produced, and such tax shall be for state purposes, and, in addition, any county in the state may impose a like tax for road purposes, county purposes or school purposes not to exceed one-half of one per centum of the market value of all crude petroleum or natural gas produced in such county, and the fiscal court of any county may levy said tax for county purposes and shall determine what fund or funds shall receive the taxes when collected, and, when crude petroleum or natural gas is produced in any separate taxing district in a county, the fiscal court shall equitably distribute such taxes between the county and such taxing district.

4223c-2. *Notice to Carriers; Transporter to Collect Tax; County Levying Tax to Notify Tax Commission.* Any county imposing the tax provided in §4223c-1 hereof shall immediately after the levy of such tax give notice thereof to each transporter of crude petroleum or natural gas registered in said county, and the transporter of said petroleum or natural gas, shall, from and after the first day of the month immediately following such notice, proceed as hereinafter provided, to collect such county tax, and shall pay the same to the sheriff of such county and in the manner and at the same time payment of such taxes shall be required to be made to the state tax commission. Each county imposing such tax shall also, upon the fixing of the levy, certify the same to the state tax commission which shall make the assessment for such county tax in the same manner and at the same value as provided for the state tax, which shall be certified to such county for collection.

4223c-3. *When Tax Attaches.* The tax hereby provided for shall be imposed and attach when the crude petroleum or natural gas is first transported from the tanks, wells or other receptacles located at the place of production.

4223c-4. *Transporters of Oil or Gas Required to Regis-*

ter; Clerk to Certify to Commission. Every person, firm, corporation or association required to report under §4223c-5 of this act shall register as a transporter of crude petroleum or natural gas in the clerk's office of each county of this state, in which such business is carried on by such transporter of crude petroleum or natural gas, in a book which the state tax commission shall provide therefor, showing the name, residence and place of business of such transporter of crude petroleum or natural gas, and it shall be the duty of the county clerk of each county to immediately certify to the state tax commission a copy of each registration as made.

4223c-5. *Transporters of Oil and Gas Defined; Reports to Be Made By; Blanks For.* Every person, firm, corporation or association engaged in the transportation of crude petroleum or natural gas in the state from the tanks, wells or receptacles located at the place of production in the state shall, for the purpose of this act, be considered a transporter of crude petroleum or natural gas and every such transporter of crude petroleum or natural gas shall make a monthly verified report to the state tax commission, on or before the 20th day of the month succeeding the month in which the crude petroleum or natural gas is so received for transportation, showing the quantity of each kind or quality of all crude petroleum and quantity in cubic feet of all natural gas so received from each county in the state and the market value of such crude petroleum or natural gas on the first business day after the 10th day of the month in which such report is made and such report shall show any sales of such crude petroleum or natural gas so received, in which event it shall show the quantity of crude petroleum or natural gas in each sale, the date of each sale, and the market price of such crude petroleum or natural gas on each date of sale for such preceding month, and said report shall be made upon blanks furnished and prescribed by the state tax commission.

4223c-6. *State Tax Commission to Assess Value of Oil and Gas; Notice to Transporters; Certify to County Clerk;*

Sheriff to Collect; Basis of Assessment; Transportation Charges. The state tax commission shall, upon receiving the reports provided for in §4223c-5 hereof, upon such reports and such other reports and information as it may secure, assess the value of all grades or kinds of crude petroleum and the value of all the natural gas so reported for each month, and on or before the last day of the month in which such reports are required to be made notify each transporter of crude petroleum or natural gas so reported of such assessment and certify such assessment to the county clerk of each county which has reported the levy of the county tax provided for in §4223c-2 for record, and such county clerk shall immediately deliver a copy thereof to the sheriff of such county for collection of such county tax. The transporters so notified of the assessment shall have until the 20th day of the month following such notice, in which to be heard by the state tax commission on any objection to such assessment, and the assessment shall become final on such twentieth day of the month and the tax be due and payable on that day. The state tax commission shall make the assessment of the value of the crude petroleum and natural gas so reported by each transporter of crude petroleum and natural gas as follows:

Where the report shows no sale of crude petroleum or natural gas the month covered by the report, then the market value of crude petroleum and natural gas on the first business day after the tenth day of the month in which the report is made shall be fixed as the assessed value of all crude petroleum and natural gas covered by such report.

But where the report shows sales of crude petroleum and natural gas during the month covered by the report, if it shows that all crude petroleum and natural gas reported has been sold, then the market price of such crude petroleum and natural gas on each day of such sale or sales shall be the assessed value of all crude petroleum and natural gas sold on such date of sale, and the total amount of the tax to be reported shall be the total of the assessment or assessments

made on such sale or sales; but if such report shows that any part of the crude petroleum and natural gas so reported remains unsold, then as to such portion remaining unsold the market price of the crude petroleum and natural gas on the first business day after said tenth day of the month following the month covered by such report shall be fixed as the assessed value of such portion of the crude oil and natural gas unsold, and the total amount of the tax to be reported as the assessment on such report shall be the total of the assessment made on such sold and unsold crude petroleum and natural gas.

The state tax commission in making its assessment shall take into consideration transportation charges.

4223c-7. *Transporters Liable for Taxes; Collection from Producer.* Every person, firm, corporation or association required to make report as provided in §4223c-5 hereof, shall be responsible and liable for the taxes as herein set forth on all crude petroleum and natural gas so received by it, and shall collect from the producer in either money or crude petroleum or natural gas the taxes imposed under the provisions of this act; but if collection is in crude petroleum or natural gas such transporter is authorized and empowered to sell the same and pay said taxes by check or cash to the state tax commission or sheriff, as provided in this act.

4223c-8. *Additional Reports.* The State tax commission may require reports on blanks prepared by it from all producers and transporters of crude petroleum and natural gas, in addition to the reports above provided for, as it may deem necessary, from time to time.

4223c-9. *Delinquency, Penalty for; Misdemeanor.* Any person, firm, corporation or association required to make reports, or collect and pay the taxes hereunder, failing to pay such taxes, penalty or interest, after becoming delinquent; or failing to make any report required by this act for thirty days after the date upon which the same is required by this act to

be made; or failing for thirty days after engaging in the transportation of crude petroleum or natural gas, as set out herein, to register as required hereby, shall be deemed guilty of a misdemeanor, and on conviction shall be fined fifty dollars (\$50.00) for each day of such failure, to be recovered by indictment or civil action, and a false report shall be deemed as a failure to report under this act.

By Mr. Fannin:

H. B. 97. An Act to add to the Primary Road System a road, Crockett to Isonville.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the Primary Road System a certain road beginning at Crockett in Morgan County, thence up Elkfork Creek, thence crossing the divide, thence down Newcomb Creek to Isonville, Kentucky, in Elliott County.

§ 2. The construction, maintenance and supervision of said road is to be under the supervision of the State Highway Commission of the Commonwealth of Kentucky according to Chapter 17 of the Acts of 1920.

To Committee on Roads and Highways No. 2.

By Mr. Fannin:

H. B. 98. An Act establishing as part of the Primary Road System a road in Lawrence and Carter counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary road system a certain road in Lawrence County and

described as follows: Beginning at the Lawrence County line near and extending by Webbville, thence up Dry Fork to the head of Cherokee Fork of Big Blain, thence down said Cherokee Fork to Big Blain, thence up Big Blain to Blain Postoffice, connecting with the Louisa and Sandy Hook road at Blain Kentucky.

§ 2. The construction, maintenance and supervision of this road shall be under the supervision of the State Highway Commission of Kentucky as prescribed by Chapter 17 of Acts of 1920, establishing a Primary Road System in the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Fannin:

H. B. 99. An Act to add to the Primary Road System a road leading from Isomville in Elliott County to Willard in Carter County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby added to the primary road system a certain road more fully described as follows:

Beginning at or near Isomville in Elliott County, then extending to and down Little Fork by the way of Culver, Fielden and Dobbins, thence by the most direct route to the Hitchins-Webbville road now a part of the Primary Road System.

§ 2. The construction, maintenance and supervision of this road shall be under the supervision of the State Highway Commission of Kentucky as prescribed by Chapter 17 of the Acts of 1920 establishing a Primary Road System in the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Fannin:

H. B. 100. An Act to add to the Primary Road System a certain road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby added to the Primary Road System a certain road in Carter and Elliott counties and more fully described as follows:

Beginning at the junction of the improved highway at or near Limestone in Carter County and extending up Thompson Branch and down the waters of Sinking Creek to Gimlet, Kentucky, in Elliott County, thence down Mauk Ridge by the store of S. R. Green, thence by the way of Kentucky Gap to the store of James F. White and intersecting with the Grayson and Sandy Hook road.

§ 2. The construction, maintenance and supervision of the road shall be under the supervision of the State Highway Commission of Kentucky as prescribed by Chapter 17 of the Acts of 1920 establishing a Primary Road System in the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. MacDonald:

H. B. 101. An Act amending and re-enacting Section No. 2132, Carroll's Kentucky Statutes, 1930 Edition, pertaining to surviving husband's or wife's interest in real and personal property.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section number 2132, Carroll's Kentucky Statutes, 1930 Edition, be amended and re-enacted so that when amended and re-enacted the same shall read as follows:

Section 2132. After the death of either the husband or wife the survivor shall have an estate for his or her life in one-third of all the real estate of which he or she, or any one for his or her use, was seized of an estate in fee simple during the coverture, unless the right to such dower or interest shall have been barred, forfeited or relinquished and the survivor shall have an absolute estate in one-half of the surplus personalty left by such decedent. Provided, however, that in estimating the widow's dower right or interest in real property, said dower right or interest shall be estimated upon the full value of the property in all cases, excepting where after the satisfaction of any mortgage, lien or encumbrance created thereon said estimated dower right or interest shall exceed the value of the remainder then the widow shall be allotted as dower the balance remaining after satisfaction of said liens.

All acts and parts of acts in conflict herewith to the extent of such conflict are hereby repealed.

By Mr. Hampton:

H. B. 102. An Act to establish as part of the primary system of the highways of the Commonwealth of Kentucky a road to lead from Hickman, Fulton County, Kentucky, to the Kentucky-Tennessee State line at or near the location of the present Troy Road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the principal system of State Highways of the Commonwealth of Kentucky a road to lead from Hickman, Fulton County, Kentucky, to the Kentucky-Tennessee State line at or near

the location of the present Troy Road; the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter No. 17 of the Acts of the General Assembly of 1920, establishing and creating the principal system of State Highways.

§ 2. Said road shall be designated and known as Project No.

To Committee on Roads and Highways No. 2.

By Mr. Hampton:

H. B. 103. An Act to establish as a part of the primary system of the highways of the Commonwealth of Kentucky a road to lead from a point on State Highway No. 94 at or near the present so-called No. 9 Lake Road to the Mississippi River at a point known as Mabel, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the principal system of State Highways of the Commonwealth of Kentucky a road to lead from a point on State Highway No. 94 at or near the present so-called No. 9 Lake Road to the Mississippi River at a point known as Mabel, Kentucky; the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter No. 17 of the Acts of the General Assembly of 1920, establishing and creating the principal system of State Highways.

§ 2. Said road shall be designated and known as Project No.

To Committee on Roads and Highways No. 2.

By Mr. Hampton:

H. B. 104. An Act to establish as part of the primary system of the highways of the Commonwealth of Kentucky a road to lead from Hickman, Fulton County, Kentucky, to Hailwell, Hickman County, Kentucky, at or near the location of the present upper river road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the principal system of State Highways of the Commonwealth of Kentucky a road to lead from Hickman, Fulton County, Kentucky, to Hailwell, Hickman County, Kentucky, at or near the location of the present upper river road; the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter No. 17 of the Acts of the General Assembly of 1920, establishing and creating the principal system of State Highways.

§ 2. Said road shall be designated and known as Project No.

To Committee on Roads and Highways No. 2.

By Mr. Joe E. Robinson:

H. B. 105. An Act to repeal Section 965-23 and Section 965-25, Carroll's Kentucky Statutes 1930 Edition and to establish two new Judicial Districts and fix the time of holding Court therein.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 965-23 and 965-25, Carroll's 1930 Edition of the Kentucky Statutes, be, and the same are, hereby repealed.

§ 2. That a New Judicial District is hereby established to be known as the Twenty-Third Judicial District, and shall be composed of the counties of Estill, Lee, Owsley and Powell, and the present Circuit Judge and present Commonwealth Attorney in the old Twenty-third Judicial District shall be the Circuit Judge and Commonwealth Attorney in the new Twenty-Third Judicial District.

That Circuit Court shall be held as follows:

Estill County—at Irvine—first Monday in February and continue eighteen juridical days; first Monday in May and continue eighteen juridical days; first Monday in October and continue eighteen juridical days.

Lee County—at Beattyville—fourth Monday in February and continue eighteen juridical days; fourth Monday in May and continue eighteen juridical days; second Monday in November and continue eighteen juridical days.

Owsley County—at Booneville—third Monday in March and continue twelve juridical days; third Monday in June and continue twelve juridical days; first Monday in December and continue twelve juridical days.

Powell County—at Stanton—third Monday in January and continue twelve juridical days; second Monday in April and continue twelve juridical days; third Monday in September and continue twelve juridical days.

§ 3. That a New Judicial District is hereby established to be known as the Twenty-Fifth Judicial District, and shall be composed of the counties of Clark, Jessamine and Madison, and the present Circuit Judge and present Commonwealth Attorney in the old Twenty-Fifth Judicial District shall be the Circuit Judge and Commonwealth Attorney in the new Twenty-Fifth Judicial District.

That Circuit Courts shall be held in said counties as follows:

Clark County—at Winchester—on the first Monday in April and continue twenty-four juridical days; on the second Monday in September and continue eighteen juridical days; on the first Monday in December and continue eighteen juridical days.

Jessamine County—at Nicholasville—on the first Monday in March and continue twelve juridical days; on the first Monday in June and continue twelve juridical days; on the first Monday in November and continue twelve juridical days.

Madison County—at Richmond—on the first Monday in February and continue twenty-four juridical days; on the first Monday in May and continue twenty-four juridical days; and on the first Monday in October and continue twenty-four juridical days.

§ 4. All acts or parts of acts in conflict with this act are, to the extent of such conflict, hereby repealed.

§ 5. In the interest of the orderly conduct of the business of the courts in the districts affected and that all persons may have due notice of the establishment of the new districts herein provided for, this act shall take effect and be in force on and after July 1, 1936.

To Committee on Kentucky Statutes No. 1.

By Mr. Howard:

H. B. 106. An Act to amend and re-enact 4399, subsection 17, and 4399, and subsection 24, Baldwin's Revision of Carroll's Kentucky Statutes, providing for the election of board members in county school districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky;

That Section 4399, Subsection 17, and Section 4399, Subsection 24, of Carroll's Kentucky Statutes, Baldwin's Revision of 1934, providing for uniform public system, be and the same are hereby amended and re-enacted that when so amended and re-enacted they shall read as follows:

Section 4399, Subsection 17:

"Each county district in this Commonwealth is hereby placed under the management and control of a board of education, consisting of five members to be nominated and elected from their respective divisions as hereinafter provided for."

Section 4399, Subsection 24:

"It shall be the duty of the county board of education, of each county in this state, serving at the time this act goes into effect, as soon as practicable after this act goes into effect, but not later than July 1, 1937, to meet and divide their respective school districts into five divisions as nearly equal in population as is practicable, and to cause boundaries to be made for such division, which shall be recorded in a book to be kept in the office of the county board of education, provided that division shall contain so far as practicable integral voting precincts. No two board members to be elected after the passage of this act shall reside in the same division of the county district.

"Any citizen may except to the action of the board in forming any division, and shall have the right to be heard, and if any citizen residing in such division shall feel himself aggrieved, he shall have a right to prosecute and appeal to the county court, and from the county court to the circuit court in which such county is located. The procedure on appeal shall be the same as in other civil cases.

"All laws and parts of laws in conflict with these sections are hereby repealed."

To Committee on Education No. 1,

By Mr. Shehan:

H. B. 107. An Act to bar from the ballot any and all political parties advocating the overthrow of Government by force or violence.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no political party shall be recognized and given a place on or have the names of its candidates printed on the ballot used at any election which advocates the overthrow by force or violence of the local, state or national government, or which advocates, or carries on, a program of sedition or of treason by radio, speech or press. Any party which is in existence at the time of the passage of this act, or which shall have had a ticket on the ballot one or more times prior to any election, and which does not advocate any of the doctrines the advocacy of which is prohibited by this act, shall insert a plank in its platform that it does not advocate any of the doctrines prohibited by this act. No newly organized political party shall be permitted on or to have the names of its candidates printed on the ballot used at any election until it has filed an affidavit, by its officers, under oath, that it does not advocate the overthrow of local, state or national government by force or violence, and that it is not affiliated in any way with any political party or organization, or subdivision of any organization, which does advocate such a policy by radio, speech or press. The affidavit herein provided for shall be filed with the official in charge of formulating and/or printing ballots of the state or the county or city or town on which such ticket is to appear. The official with which such affidavit is filed shall make such investigations as he may deem necessary to determine the character and nature of the political doctrines of such proposed new party, and if such officials are of the opinion that such proposed new party advocates

doctrines which are in violation of the provisions of this act, or is affiliated in any way with any party which advocates such doctrines, the official shall not permit such ticket on the ballot.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

To Committee on Suffrage and Elections.

By same:

H. B. 108. An Act to repeal and re-enact Section 2043-12, Supplement Carroll's Kentucky Statutes, 1930 Edition, the same being Section 12 of Chapter 68 of the Acts of the General Assembly of 1930 and entitled, "An Act concerning the manner of commitment of incompetent veterans of the World War who are beneficiaries of World War Veterans' Act as amended; and regulating the appointment, defining the duties and governing the actions of guardians and committees for beneficiaries of the World War Veterans' Act, as amended, and the World War Adjusted Compensation Act, as amended."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2043-12, Supplement Carroll's Kentucky Statutes, 1930 Edition, being Section 12 of Chapter 68 of the Acts of the General Assembly, 1930, relating to the manner of commitment of incompetent veterans of the World War who are beneficiaries of the World War Veterans' Act as amended; and regulating the appointment, defining the duties and governing the actions of guardians and committees for beneficiaries of the World War Veterans' Act, as amended, and the World War Adjusted Compensation Act, as amended, be and the same is hereby repealed, amended and

re-enacted, so that such section when thus repealed, amended and re-enacted shall read as follows:

Section 12. Every guardian or committee, who has or is receiving funds from the Veterans' Administration, shall, before investigating such funds of the estate, obtain the prior order of the court and with such prior order shall invest the funds of the estate in such manner and in such securities or annuities, in which the guardian or committee has no interest, as allowed by law.

All laws or parts of laws in conflict herewith are hereby repealed.

Whereas, any delay in the privilege of so investing the funds of a veteran may result in a loss of income to such veteran, an emergency is hereby declared to exist, and this Act shall take effect upon its passage and approval by the Governor.

To Committee on Veterans' Legislation.

By Mr. Bedford:

H. B. 109. An Act for the protection of fur-bearing animals, amending and re-enacting Chapter 56 of the Acts of the General Assembly of 1930.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 56 of the Acts of the General Assembly of 1930, being Section 1954b-11, Kentucky Statutes, Carroll's 1932 Supplement, be amended and re-enacted, and when so amended and re-enacted shall read as follows, to-wit:

No person shall take, trap, shoot or kill any beaver, mink, raccoon, otter, opossum, skunk or muskrat in the State of Kentucky from the first day of February to the fourteenth day of November, both days inclusive. And no person shall

take, trap, shoot or kill any fox in the State of Kentucky from the first day of January to the fourteenth day of November, both days inclusive, of any year, provided, however, that when any of the animals mentioned in this section are found injuring, or doing damage to or destroying any property, the person whose property is being damaged, injured or destroyed, may at any time kill them on his own premises when necessary or the protection of his property.

Any person violating this section or any portion thereof, shall upon conviction be guilty of a misdemeanor, and shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for each offense, to which may be added imprisonment in county jail not exceeding thirty days.

To Committee on Fish and Game.

By Mr. Clay:

H. B. 110. An Act to repeal and re-enact Chapter 142 of the Acts of the General Assembly of Kentucky of 1932, the same being Section 4151-2 of the 1932 Supplement to the 1930 Edition of Carroll's Kentucky Statutes, and relating to redemption of land sold for taxes and interest and penalty thereon and the possession thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 142 of the Acts of the General Assembly of Kentucky of 1932, the same being Section 4151-2 of the 1932 Supplement to the 1930 Edition of Carroll's Kentucky Statutes, be and the same is hereby repealed and amended and re-enacted to read as follows:

Section 4151-2. *Land sold for taxes; redemption; possession; clerk may collect delinquent tax; duties of county*

judge. When real estate is sold for taxes, if no one will bid for and purchase such real estate at the amount of tax, interest, penalty and cost including the cost for advertising and the sheriff's or collector's commission, it shall be the duty of the sheriff or collector, to purchase the same for the state, county and taxing district having taxes against the delinquent for the amount of tax due, interest, penalty, cost and commission thereon, and he shall make return to the county clerk as provided in Section 40 (K. S. 4162) of Article 8, and the clerk shall certify same to the auditor of public accounts, and the sheriff or collector shall have credit for the amount of such tax due the state in the settlement with the auditor of public accounts. The owner of such real estate, his representatives, heirs or assigns, shall have the right to redeem the same from the state, county and district or any other purchaser at any time within three years after the day of sale, by paying the purchase money, with interest at the rate of six per centum (6%) per annum, and in addition two per centum (2%) penalty upon the total amount of the purchase price and the amount of all costs. The state, county and district shall have the right to possession of lands purchased by them at any time after the expiration of thirty days from the giving of the notice provided for in Kentucky Statutes, Section 4153, and the purchaser, other than the state, county or district, shall have the right to possession of the lands purchased by him at any time after the expiration of six months from the giving of the notice provided for in said Section 4153. In the redemption of lands sold to the state, county and district, for delinquent taxes at any time within the period of three years after the sale, or until the revenue agent, under the direction of the auditor of public accounts, assumes charge of the collection by sale or otherwise, the county clerk is hereby vested with the authority to collect such delinquent taxes, interest, cost, commissions and penalties as prescribed by law, and he shall make report thereof to the auditor of public accounts, the treasurer of the county and the proper officer of the dis-

strict as often as the latter officers may require, and not less than once in every thirty days; and he shall pay into the state treasury all moneys collected by him due the state, and the county treasury all moneys due the county, and all moneys due the district to the proper officer thereof, as herein authorized, on the first day of every month and oftener if required by the auditor of public accounts or either of the officers mentioned. Said report of the county clerk showing the name of each owner and each piece of property redeemed, the year's taxes for which delinquent, the assessed valuation for the same for each year, and the total amount paid to the state, county and district for redemption shall be examined by the judge of the county court, and if correct certified to the auditor of public accounts; together with the total sum due the state, as shown on said report, less five per centum (5%) commission for the collection which he shall retain for his services.

By Mr. O. C. Jones:

H. B. 111. An Act to amend and re-enact Section 2739g-94, Supplement to Carroll's Kentucky Statutes 1933, relating to jurisdiction of offenses for the trial of violations of the Motor Vehicles law.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2739g-94, Supplement to Carroll's Kentucky Statutes 1933, be amended and re-enacted so as to read as follows:

Quarterly courts and the judges thereof shall have concurrent jurisdiction with circuit courts in the trial of all offenses under this act committed within their respective jurisdictions, and jurisdiction of such offenses is hereby confined and restricted to quarterly courts and circuit courts of this

Commonwealth. Said courts shall always be open for the trial of such offenses.

To Committee on Motor Transportation.

By same:

H. B. 112. An Act relating to roads and highways, and placing in the primary system a road in Owen and Henry counties, beginning in State Road Project No. 22, about four miles west of Owenton, Ky., at the residence of Bennie Johnson, and leading west to Perry Park, thence southwest to Adams' Ferry on the Kentucky River, and across the Kentucky River to State Road No. 183 in Henry County, opposite Adams' Ferry.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as part of the Primary System of roads in the Commonwealth of Kentucky a road in Owen and Henry counties, beginning at State Road No. 22, about four miles West of Owenton at the residence of Bennie Johnson, in Owen County, and leading by Squiresville to Perry Park, and thence in a southwestern direction to Adams' Ferry on the Kentucky River, and across the Kentucky River to State Road No. 183, at Springport, in Henry County, opposite Adams' Ferry.

§ 2. Said road thus established as part of the primary roads of this Commonwealth shall be entitled to all the privileges, benefits and conditions now given by any Act or law to the primary roads of this Commonwealth.

To Committee on Roads and Highways No. 2.

By Mr. Steely:

H. B. 113. An Act to amend the Civil Practice Act in relation to declaring and carrying into effect the public policy of the State with respect to cause of action for alienation of affection, criminal conversation, seduction, and breach of contract to marry, actions thereon, contracts with respect thereto, and acts and proceedings in connection therewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The civil practice act is hereby amended by inserting therein a new article, to be read as follows:

1-a. Declaration of Public Policy of State.

The remedies heretofore provided by law for the enforcement of actions based upon alleged alienation of affections, criminal conversation, seduction and breach of contract to marry, having been subjected to grave abuses, causing extreme annoyance, embarrassment, humiliation and pecuniary damage to many persons wholly innocent and free of any wrongdoing, who were merely the victims of circumstances, and such remedies have been exercised by unscrupulous persons for their unjust enrichment, and such remedies having furnished vehicles for the commission or attempted commission of crime and in many cases having resulted in the perpetration of frauds, it is hereby declared as the public policy of the state that the best interest of the people of the state will be served by the abolition of such remedies. Consequently, in the public interest, the necessity for the enactment of this article is hereby declared as a matter of legislative determination.

1b. Certain Causes of Action Hereafter Accruing Abolished.

The rights of action heretofore existing to recover sums of money as damage for the alienation of affection, criminal conversation, seduction, or breach of contract to marry are hereby abolished,

1-c. Certain Causes of Action Heretofore Barred by Lapse of Time.

1. All causes of action to recover a sum of money as damage for alienation of affection, criminal conversation, seduction, and breach of contract to marry, which have heretofore accrued, must be commenced within sixty days after this article takes effect.

2. All such actions to recover a sum of money for a breach of a presently existing contract to marry must be commenced within sixty days after the cause of action has accrued.

3. All such actions not so commenced shall be herein-after completely and forever barred, for lapse of time.

1-d. Legal Effect of Certain Acts Hereinafter Occurring.

No act hereinafter done within the state shall operate to give rise, either within or without this state to any of the rights of action abolished by this article. No contract to marry, hereinafter made or entered into in this state shall operate to give rise to, either within or without this state, to any cause or right of action for breach thereof.

1-e. Certain Acts and Proceedings with Respect to Causes of Action Abolished or Barred by this Article Prohibited.

It shall hereafter be unlawful for any person, either as a party or attorney, or agent or other person in behalf of either, to file or serve, cause to be filed or served or threaten to file or serve, or to threaten to cause to be filed or served, any process or pleading, in any court of the state setting forth or seeking to recover a sum of money upon any cause of action abolished or barred by this article, whether such cause of action arose within or without the state.

1-f. Certain Contracts Void as Against Public Policy.

All contracts and instruments of every kind, name, nature or description, which may hereafter be executed within this

state in payment, satisfaction, settlement or compromise of any claim or cause of action abolished or barred by this article whether such claim or cause of action arose within or without this state, are hereby declared to be contrary to the public policy of this state and absolutely void. It shall be unlawful to cause, induce or procure any person to execute such a contract or instrument; or cause, induce or procure any person to give, pay, transfer or deliver any money or thing of value in payment, satisfaction, settlement or compromise of any such claim or cause of action; or to receive, take or accept any such money or thing of value as such payment, satisfaction, settlement or compromise. It shall be unlawful to commence or cause to be commenced, either as party or attorney, or as agent or otherwise in behalf of either, in any court of this state, any proceedings or action seeking to enforce or recover upon any such contract or instrument, knowing it to be such, whether the same shall have been executed within or without this state; provided, however this section shall not apply to the payment, satisfaction, settlement or compromise of any causes of action which are not abolished or barred by this article, or any contracts or instruments heretofore executed, or to the bona fide holder in due course of any negotiable instrument which may hereafter be executed.

1-g. Penalties for Violation.

Any person who shall violate any of the provisions of this article shall be guilty of a felony which shall be punishable by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment for a term of not less than one year nor more than five years, or by both such fine and imprisonment, in the discretion of the court.

1-h. Construction of Article.

This article shall be liberally construed to effectuate the objects and purposes therefor and the public policy of the state as hereby declared. If any clause, sentence, paragraph or part of this article shall for any reason be adjudged by any

court of competent jurisdiction to be invalid, such judgment shall not effect or impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered. If the application of this article, or any part thereof, to any person or circumstances shall be adjudged by such court to be invalid or ineffectual for any reason, such judgment shall not affect the application of such article or part to any other person or circumstance.

1-i. Inconsistent Laws Superseded.

This article shall supersede all acts and parts of acts, inconsistent with this article, to the extent of such inconsistency, but in all other respects shall be deemed supplemental to such acts. Nothing contained in this article shall be construed as a repeal of any of the provisions of the penal code or code of criminal procedure or of any other law of this state relating to criminal or quasi-criminal proceedings.

This act shall take effect immediately.

To Committee on Judiciary.

By Mr. Gnau:

H. B. 114. An Act referring to the trapping of fur-bearing animals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall hereafter be unlawful for any person in this state to set, maintain or use for the capture of fur-bearing animals any trap or other device not designed either to kill at once or to take alive unhurt. Provided, that since the farmer must at all times deal with predators, he shall have the right to set any kind of trap he pleases within 150

feet of his dwelling, poultry-house, barn, or other building used for livestock or for storage of grain.

§ 2. That it shall be unlawful for any person to set any trap on the land of another person without written permission from the owner of the land; and that it shall be unlawful for any person to let more than 24 hours elapse without visiting every trap he sets.

§ 3. Any violation of this law, or of any part of it, shall be subject to a fine of not less than ten or more than fifty dollars.

To Committee on Fish and Game.

By Mr. Gnau:

H. B. 115. An Act to pay a certain sum of money to Ex-Governors of Kentucky annually in monthly installments, also a sum to the widow of an Ex-Governor and providing manner of payment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be paid from any money in the Treasury of the Commonwealth of Kentucky as follows: Any person or persons who has served the Commonwealth of Kentucky as Governor or Chief Executive in the past, at the present time or may serve the state as governor in the future shall receive after they retire from office an annual sum of twenty-five hundred dollars (\$2,500.00) during the remaining period of their life. Such sum shall be paid in twelve (12) equal installments on the first day of each calendar month. Any person or persons who is the lawful widow of a deceased Governor or Ex-Governor of the Commonwealth of Kentucky shall be paid annually the sum of fifteen hundred dollars (\$1,500.00) in twelve (12) equal installments on the first day of each calendar month.

§ 2. The Auditor of Public Accounts shall draw a warrant on the State Treasurer for the sum of money needed to meet the provisions of this Act and payment shall be made as herein prescribed.

§ 3. This Act shall take effect on and after July 1, 1936.

By Mr. Hunnicutt:

H. B. 116. An Act authorizing fiscal courts in counties having one or more cities of the second class to appropriate county funds for the aid and benefit of "Dependent" children committed to recognized associations, institutions, or corporations situated in such counties, and which embraces in its purposes the care, guardianship, and subsistence of children, and stipulating limitation of appropriation therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Appropriation by Fiscal Court.* That the fiscal court of each county of the state having one or more cities of the second class may levy, collect and disburse such sums of money from the general funds of its county as may be necessary to comply with the provisions of this act.

§ 2. *The Dependent Children's Relief.* That each county having one or more cities of the second class may contribute to the support of each dependent child living within and under the care, guardianship, and subsistence of any recognized association, institution, or corporation, being and lying within each county, which embraces in its purposes the care, guardianship, and subsistence of dependent children, a sum not to exceed One Hundred (\$100.00) Dollars per annum to each such dependent child, said sum to be known as "The Children's Relief", and payable quarterly in equal installments due in the months of February, May, August, and November, and on the first day thereof.

§ 3. *Children Eligible to Aid; Application; Procedure.* That before any such dependent child shall be entitled to the benefits of this act, such child must first have been duly and regularly registered, and accepted as a ward of such association, institution, or corporation, at least ninety days prior to application for the benefits of this act, and such association, institution, or corporation must file in the office of the clerk of the county an affidavit sworn to by the superintendent or other executive officer of the association, institution, or corporation making the application, in support of the acceptance and registration of such child as contained in the application; also the said superintendent or other executive officer, shall file therewith a petition declaring the child named in the application a dependent child. The said clerk of the county shall thereafter refer the application and petition to the county judge, who shall make diligent investigation as to the eligibility of the child as a "Dependent Child" as defined by Section 331e-1 of Carroll's Kentucky Statutes of Edition of 1930. If it be determined that the child is a "Dependent Child", he shall thereafter commit said child to the association, institution, or corporation making the application, and said child shall be entitled to the benefits as herein provided.

§ 4. This act shall take effect and be in force from and after its passage.

By Mr. Hunnicutt:

H. B. 117. An Act to amend Section 2739G-96, of Carroll's Kentucky Statutes, 1933 Supplement, same being Subsection 17 of Chapter 106, 1932 Acts of the Legislature, by striking therefrom the words "Five Hundred Dollars" and inserting in lieu thereof the words "Twenty-five Dollars", and further by striking from the fifth and sixth lines from the bottom of said Section, the sentence, "no officer shall be permitted to take a cash bond."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2739G-96, of Carroll's Kentucky Statutes, 1933 Supplement, same being Subsection 17 of Chapter 106, 1932 Acts of the Legislature, be amended by striking therefrom the words, "Five Hundred Dollars" and inserting in lieu thereof the words "Twenty-Five Dollars", and further by striking from the fifth and sixth lines from the bottom of said section the sentence, "No officer shall be permitted to take a cash bond", so that said section, when amended, shall read as follows:

"Any peace officer, including sheriffs and their deputies, constables and their deputies, police officers and marshals of cities or incorporated towns, county police or patrols, and special officers appointed by any agency of the Commonwealth of Kentucky for the enforcement of its laws relating to motor vehicles, now existing or hereafter enacted, shall be authorized, and it is hereby made the duty of each of them, to enforce the provisions of this act and to make arrests for any violation or violations thereof, and for violations of any other law relating to motor vehicles, without warrant if the offense be committed in his presence, and with warrant or summons if he does not observe the commission of the offense. When in pursuit of an offender for any offense committed within his jurisdiction, any such officer may follow and effect an arrest beyond the limits of his jurisdiction. If the arrest be made without warrant, the accused may elect to be immediately taken before the nearest court having jurisdiction, whereupon it shall be the duty of the officer to so take him. If the accused elect not to be taken, then it shall be the duty of the officer to require of the accused a bail bond in the sum of twenty-five dollars, conditioned that the accused binds himself to appear in the court of jurisdiction at the time fixed in the bond, not however in any case later than six days from the day of arrest. In case the arrested person fails to appear

on the day fixed, the bond shall be forfeited in the manner as is provided for the forfeiture of bonds in other cases. The officer making the arrest and taking the bond shall report the same to the court having jurisdiction within eighteen hours after taking such bond.

By Mr. Fitzpatrick:

H. B. 118. An Act repealing, amending and re-enacting Sections 528, 533 and 535 of the Kentucky Statutes, Carroll's Edition of 1930, regulating and defining the duties of Coroners, and providing penalty for failure to report sudden deaths, and creating the office of Deputy Coroner.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 528, 533 and 535 of the Kentucky Statutes, Carroll's Edition of 1930, relating to the duties of Coroners, be amended and when so amended and re-enacted shall read as follows:

Section 528. It shall be the duty of the Coroner, upon request by any responsible citizen or when he has reason to believe the death of a human being has resulted within his County, resident or non-resident of the Commonwealth of Kentucky, without the attendance of a physician qualified to sign the certificate of death, or by reason of crime, homicide, suicide, drowning or otherwise suddenly killed, to investigate such death and hold an inquest over said dead body.

In the event that death results from violence or accident within ninety days from onset, it shall be the duty of the Coroner to hold an inquest the same as if death occurred immediately.

It shall be the duty of any person or persons discovering or finding or having in their possession within the County the dead body of any person slain, drowned or otherwise sud-

denly killed or whose death occurred without the attendance of a physician, to immediately notify the Coroner and not remove such body, nor any thing therefrom until directed to do so by the Coroner or other duly authorized person.

Any person violating the provisions of this act shall be guilty of a misdemeanor and fined not less than Ten Dollars nor more than One Hundred Dollars, or be confined in jail for not less than ten days nor more than fifty days, or both so fined and imprisoned in the discretion of the court or jury trying the case.

Section 533. Jury, when Summoned, etc. In holding inquests, the Coroner shall not require a jury except in cases of probable homicide, or where death was caused by the negligence of some person other than the deceased, or upon the request of some member of the family. The jury summonsed and sworn by the Coroner must be composed of six reputable citizens of the county, and upon oath, shall inquire and state, in writing, if they know, in what manner the person came to his or her death, when, where, how and by whom.

The jury shall be allowed for their services the sum of fifty cents each, the same to be paid by the County Clerk and a voucher drawn on the County Treasurer.

Section 535. Inquests, when a Deputy Coroner or Justice may Hold. When the Coroner is in the County and at his office or place of business and able to attend to his duties, an inquest shall not be held by any other person, but if the attendance of the Coroner can not be had on account of sickness or absence from the County, a Deputy Coroner appointed by the Coroner, with no additional expense to the County or City may act as Coroner and have same power and authority as the Coroner. In case no such Deputy is designated or appointed by the Coroner or the Coroner is absent from the County or sick, and the condition or situation of the body be such as to require immediate interment, any Justice of the Peace may hold an inquest, as Coroners are authorized to do,

and shall be allowed for the service the same compensation as the Coroner and to be paid in the same manner.

To Committee on Public Health No. 1.

By Mr. Hammons:

H. B. 119. An Act to prohibit any common carrier of messages from collecting service charges and providing penalty therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person, company, association or corporation to collect from any customer or patron a fee or compensation, where the message is not communicated by the transmitter to transmittee, or not delivered in fact by the person, company, association or corporation, or his or its agent, to the person to whom the message is actually delivered.

§ 2. Any person, company, association or corporation, or agent or employee of either of them, violating this act, shall, on conviction by the jury or the Court, be fined not less than Ten (\$10.00) Dollars or more than One Hundred (\$100.00) Dollars for each offense.

§ 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

By same:

H. B. 120. An Act to regulate the quantity of gasoline or other combustible liquid motor fuels that may be carried in the fuel tanks or otherwise in or about motor vehicles to be used as fuel in propelling such vehicle and providing a penalty for violation of the act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person, firm or corporation operating a motor vehicle on or over the highways of this Commonwealth to have at any time in the fuel tanks or otherwise in or about such motor vehicle more than twenty-five (25) gallons of gasoline or other combustible motor fuels to be used in propelling such motor vehicle, provided, that the provisions of this act shall not apply to road rollers or to such vehicles as travel exclusively upon rails.

§ 2. Any person, firm or corporation violating the provisions of this act shall upon conviction be fined not less than twenty nor more than fifty dollars.

By Mr. Brown:

H. B. 121. An Act relating to the employment of State prisoners; definition of terms used in Act; stating purpose of Act; defining duties of Department of Public Welfare under the provisions of this Act; authorizing and empowering the Department of Public Welfare, (1) to release State prisoners to the State Highway Department for service on the public roads and highways within this State for their maintenance and guarding; (2) to use and employ State prisoners in the preparation of materials and in the erection of any or all State buildings wherein State funds are used; (3) to contract with contractors of public printing for the use and employ of State prisoners on public printing and for this purpose said Department of Welfare may lease or purchase, through proper agencies, all machinery and/or other equipment and materials necessary for the production of any or all public printing and to furnish same to any such contractor in the execution of public printing; disposing of revenue raised by operation of this Act; providing severable enactment of the sections and provisions of this Act; repealing all laws or parts

of laws; or acts or parts of acts in conflict herewith to the extent of such conflict; and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Definitions.* The meaning and scope of certain terms used in this Act are defined as follows: "Department of Public Welfare" shall mean the members of the governing board or department now in charge of the State prisons and State prisoners, or that may hereafter be in such charge by change of law; "State Departments" shall include each and every board, department or agency of the State government, or any board, department or separate agency functioning thereunder; "State Prisons" shall mean the State reformatories or penitentiaries at Frankfort, Ky., and Eddyville, Ky., and the School of Reform at Greendale, Ky., and any other similar institutions now existing or that may be created by law hereafter; "State Prisoners" shall include the inmates of all State prisons as herein defined; "prison labor" means work or service of State prisoners as described herein; "public printing", as used herein, shall mean and include all printing, binding, manufacturing and/or production of printed, bound or other paper products, that are purchased for use in all State departments, or any of them, and/or all school textbooks for the eight grades of the public school of the State, and/or all printed supplies furnished schools or school officials throughout and by the State, and/or printed ledgers, or ledgers with printed headings and ruled pages or unruled or blank books or other printed or other matter furnished by the State of Kentucky to counties, and/or courts or to any one else by this Commonwealth; "Board of Printing Commissioners" shall mean the board or agency now or hereafter provided by law to have charge of the contracting for public printing; "State Highway Department" shall mean the State

Highway Commission, or other agency that may be created hereafter having charge of roads and highways.

§ 2. The purpose of this Act is hereby declared to be the employment of prisoners for their exercise and other benefit and to defray the expenses of the State prisons and State prisoners and to conserve State funds.

§ 3. The Department of Public Welfare shall be charged with the duty of providing employment for all State prisoners, and it shall be the duty of said Department to exhaust every resource at its command to provide suitable and legal employment for all prisoners in its custody, and thereby to raise revenue for the self-support of said prisoners and the State prisons and to give needed exercise and to prevent idleness, mutiny and discontent in said prisons.

§ 4. The Department of Public Welfare is hereby authorized and empowered, for purposes of this Act, as follows: (1) To release all State prisoners on demand, that with safety may be released by law, to the State Highway Commission or State Highway Department for service on the public roads and highways within this State on condition that the said Highway Department shall properly board and safely and humanely guard and keep said prisoners at its expense; (2) To use and employ said State prisoners in the preparation of materials and in the erection of any or all State buildings wherein State funds are used; (3) To contract with any or all public printing contractors for the use and employ of State prisoners on public printing, and for this purpose said Department of Public Welfare may lease, borrow, or purchase through proper agencies, all machinery and/or other equipment and materials necessary for the production of any or all public printing and to furnish same to any such contractor of public printing on terms and conditions advantageous to the State.

§ 5. Any and all revenues raised under this Act shall be paid into the "Prison Revolving Fund", as now provided

by law, and shall be used with any other available funds in payment for equipment and materials furnished by the said Department under Section 4 of this Act and any surplus may be used for other purposes.

§ 6. It is the purpose of the General Assembly to, and the sections and provisions of this Act are severable and separately enacted and are declared to be separate and independent of every other section or provision thereof, and if any section or provision of this Act shall be held unconstitutional or invalid, no other section or provision shall be affected thereby.

§ 7. All laws or parts of laws, or acts or parts of acts in conflict herewith are hereby repealed to extent of such conflict.

§ 8. It appearing that the large part of State prisoners are now idle, numbering approximately 3,500, and that due to said lack of employment there is great danger of mutiny and discontent, and that said prisoners are being maintained at a great cost and loss to the State of Kentucky, wherefore, an emergency is declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

To Committee on Kentucky Statutes No. 1.

By Mr. Ballard:

H. B. 122. An Act to repeal Chapter 129 of Carroll's Kentucky Statutes, providing for the consolidation of the office of Jailer with that of Sheriff in each County of the State.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 129 of Carroll's Kentucky Statutes, titled "An Act providing for the consolidation of the office

of Jailer with that of Sheriff in each County of the State'', be repealed.

§ 2. This Act shall take effect at the expiration of the term of the jailers in office when the Act is passed.

By Mr. Ballard:

H. B. 123. An Act providing that the roads hereinafter described be made a part of the primary road system in the State of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following roads be made a part of the primary road system of the Commonwealth of Kentucky:

1. Beginning at Livingston, Rockcastle County, Kentucky, leading up Gauley Branch and by way of Red Hill to Narvie and intersecting with Jackson County line on Project No.

2. Beginning at Burr, Rockcastle County, Kentucky, on Highway No. 25 and running through Brush Creek; thence up Brush Creek by way of Climax to the intersection with Jackson County line.

3. Starting at Wolf Creek in Rockcastle County, Kentucky, in line of Project No. 2; thence up Wolf Creek to New Hope Church; thence down Dry Fork of Crooked Creek to intersect with Jackson County line near Cooksburg postoffice.

4. Beginning at Mt. Vernon, Rockcastle County, Kentucky; thence to Sand Spring; thence to Hansford postoffice by way of Buffalo School House to intersect at a point on Highway No. 80.

To Committee on Roads and Highways No. 2.

By Mr. Johnson:

H. B. 124. An Act relating to the advancement of credit in the form of scrip for labor performed or to be performed.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 44 of Acts of the 1932 General Assembly be repealed, amended and re-enacted so that when so amended and re-enacted it shall read as follows:

(1) Any person, firm or corporation engaged in any trade or business may issue, sell, give or deliver upon request of any employee of such person, firm or corporation to such employee as a medium of credit in payment for labor performed or for labor to be performed, transferable scrip, tokens, drafts, orders or coupons, payable and redeemable in merchandise only when presented by the employee to whom issued and in cash if presented by any person, firm or corporation other than the person to whom issued, said redemption to be at such regular settlement day or pay day when the same will have been due in cash had not the said order, scrip or token been issued. Any person, firm or corporation failing or refusing to pay the employee or holder of said transferable scrip, tokens, drafts, orders or coupons, or any unused portion of the same for which labor has been performed on their regular settlement day or pay day, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than twenty nor more than fifty dollars for each offense.

By Mr. Rayburn:

H. B. 125. An Act to add to the Primary Road System a certain road in Lewis County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby added to the Primary Road System of Kentucky a certain road in Lewis County, Kentucky, and more fully described as follows:

Beginning at a point at or near the residence of Geo. E. Dunbar and extending down the Kentucky side of the Ohio River about three miles to the old turnpike near the C. & O. Railroad at Trinity, Kentucky (Sometimes called South Manchester).

§ 2. The Construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920 as amended, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of the State Highway as provided therein.

To Committee on Roads and Highways No. 2.

By Mr. Wall:

H. B. 126. An Act relating to roads and highways, and describing and establishing a project to be added to the primary system of state roads and highways running from Gilbertsville, and following the Briensburg road to the boundary between L. C. Jones and G. C. Overby, and from there westward between Jones and Overby, Vickers and Jones, Gregory, Pace and Hall, to the Lone Valley road, and thence along that road by way of the Big Cypress school district to J. W. Peck, and thence across the field to the Lone Valley schoolhouse, there intersecting State Route No. 95.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road leading from Gilbertsville, beginning

two hundred fifty (250) yards west of the Illinois Central railroad station at the railroad crossing known as the Timmons crossing, and following the Briensburg road to the boundary between L. C. Jones and G. C. Overby, and from there westward between Jones and Overby, Vickers and Jones, Gregory, Pace and Hall, to the Lone Valley road, and thence along that road by way of the Big Cypress school district to J. W. Peck, and thence across the field to the Lone Valley schoolhouse, there intersecting State Route No. 95, being a distance of about four miles, be and the same is hereby designated and established as part of the primary system of the state highways of the Commonwealth of Kentucky; to be known as State Primary Road Project No.

§ 2. The said road to have and to secure all the benefits of the state primary road system under Chapter 17 of the Acts of 1920, and all amendments thereto.

To Committee on Roads and Highways No. 2.

By Mr. Wall.

H. B. 127. An Act relating to roads and highways, and describing and establishing a project to be added to the primary system of state roads and highways running from Grand Rivers, and proceeding generally along the Dover-Smithland road, but by the shortest and most practicable route to the Eddyville-Birmingham highway, at the point where the road now under construction by the Resettlement Administration begins, so as to form a continuation of the road under construction by the Resettlement Administration through Lyon County west of the Eddyville-Birmingham highway into Livingston County and to Grand Rivers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as part of the primary system of state highways of the Commonwealth of Kentucky a road running from Grand Rivers, and proceeding generally along the Dover-Smithland road, but by the shortest and most practicable route to the Eddyville-Birmingham highway, at the point where the road now under construction by the Resettlement Administration begins, so as to form a continuation of the road under construction by the Resettlement Administration through Lyon County west of the Eddyville-Birmingham highway into Livingston County and to Grand Rivers, to be known as Project No.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all amendments thereto.

To Committee on Roads and Highways No. 2.

By Mr. Milam:

H. B. 128. An Act amending and re-enacting Section 20, Chapter 3 of the Acts of 1916, known as the Workmen's Compensation Act, being Section 4901 of Carroll's Kentucky Statutes of 1930, and providing for a waiver by a person seeking employment of compensation or parts of compensation for existing disabilities on account of injury.

Said bill is as follows, viz.:

Whereas, under the Workmen's Compensation Act as now in force men who have permanent disabilities as a result of injuries are entitled to greater amounts of compensation for certain types of injuries than are sound men for the same injuries; and

Whereas, by reason of this fact many worthy men suffering from such disabilities and seeking employment are unable to obtain employment because of the greater hazard involved on the part of the employer; and

Whereas, many men so disabled are willing to waive such excess compensation but such agreement or waiver has not been permitted under the terms of the compensation law; and

Whereas, it is for the best interests of the men seeking employment that they be permitted to make such waiver:

Be it, therefore, now enacted:

That Section 20, Chapter 3 of the Acts of 1916, same being Section 4901 of Carroll's Kentucky Statutes of 1930, be and the same is hereby amended and repealed and re-enacted, so that when so amended, repealed and re-enacted the same shall read as follows:

If a previously injured employee sustains a subsequent injury which results in a condition to which both injuries, or their effects, contribute, the employer in whose employment the subsequent injury is sustained shall be liable only for the compensation to which such resulting condition entitled the employee, less all compensation which the provisions of this law would have afforded on account of the prior injury or injuries had they been compensated for thereunder.

Provided, however that any employee or person seeking employment and the employer may by a writing signed by such employee agree that the compensation payable to such employee on account of any disability suffered as a result of an accident while in such employment, and which would be compensable under the terms of the Workmen's Compensation Act, shall be limited to the disability directly traceable to such accident; and the amount of compensation therefor shall not be increased by reason of any previous disability or accident. Which said waiver may be substantially in this form:

In consideration of my being permitted to enter your employment or to continue in your employment, I hereby

state and represent that I am now suffering from the following disabilities:

And I agree that should I sustain a compensable injury while in your employment I shall not be entitled to any more compensation than is payable for such disability as is a direct and sole result of the injury so sustained; and I agree that my existing defects shall not operate to increase my compensation.

By Mr. Ward:

H. B. 129. An Act to create a committee of four to be appointed by the President of the State Bar Association to authorize the revision and republication of the Kentucky Statutes at competitive bidding and to report to the Board of the State Bar Commissioners of the State of Kentucky and making an appropriation to defray the expenses thereof, and empowering the State Bar Commissioners of the State of Kentucky to adopt an official statute for the State of Kentucky, which statute when adopted by the Board of State Bar Commissioners of the State of Kentucky, shall be the official statute for the State of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That a committee of four (4) is hereby created, for the purpose and with the powers herein defined. Said Committee shall be appointed by the President of the State Bar Association and vacancies in said Committee shall be filed by the President of the State Bar Association of the State of Kentucky. The said Committee shall be called the Statute Committee, and its members shall serve without pay, but shall

be allowed and paid the actual expenses incurred. The members' actual expenses shall be paid out of the appropriation hereinafter made upon vouchers approved by the Commissioners of the State Bar Association.

Said Committee is hereby authorized and empowered to revise and authorize the republication of the Kentucky Statutes at competitive bidding. It shall be the duty of said Committee to formulate, prepare and execute or cause to be formulated, prepared, or executed, a definite plan for the revision, classification, arrangement, printing, annotating, re-indexing and binding of the Statutes of a general nature of the session laws of the Legislature of the State of Kentucky, and to prepare and present to the proper Committee of each house such bills as may be required to harmonize and perfect the statute, including revisions, repeals, and other changes, necessary to effect the purpose of classifying, simplifying, codifying, and republishing the laws of the State of Kentucky.

Said Committee shall make its report to the Board of Commissioners of the State Bar Association of the work done by it and shall otherwise report to said Board of Bar Commissioners from time to time as called upon so to do.

The Board of Bar Commissioners of the State Bar Association of the State of Kentucky, is hereby empowered and authorized to adopt a Statute as revised, re-classified, rearranged, re-annotated, re-printed, and bound, as hereinabove provided for, and when so adopted, said Statute shall be the official Statute of the Commonwealth of Kentucky, and in all actions and proceedings, the law contained therein may be cited or referred to as the law of the Commonwealth of Kentucky by reference to any citation of any of the Sections of said Statute, and any of the sections therein may be amended, or repealed by the General Assembly of the Commonwealth of Kentucky in the manner now provided by referring to and citation of the Section of said Statute without giving the date or title of the act from which the section is taken.

The sum and amount of Five Hundred Dollars (\$500.00), is hereby appropriated and made available out of any funds not otherwise appropriated to defray the actual expenses of said Committee.

This act shall be in full force and effect from and after its passage and approval, as required by law, and all acts of the legislature in conflict herewith are hereby repealed.

By Mr. Matherly:

H. B. 130. An Act prohibiting the expenditure of public moneys on account of insurance against fire or tornado on state property, providing for the valuation of state property and the setting of premiums thereon, for the establishment of an account known as the State Fire and Tornado Insurance Fund, for the crediting to such fund of premiums debited against the accounts of agencies having control over public property, for the reimbursement from such fund to such agencies of damage due to fire and tornado, for the proper investment of moneys in such fund, for the inspection of public buildings, for reinsurance of excessive risks by such fund, for the administration of such fund, fixing the duties of the Department of Insurance, the State Treasurer, and other state officers, making needed appropriations, and for other purposes incidental and complimentary to the above.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No officer or agent of the state, and no person, persons, department, or other agency of the state having control or custody of any buildings or other property belonging to or under the control and use of the Commonwealth of Kentucky, or of any department, institution, board, or other agency of the Commonwealth of Kentucky, shall pay out any public moneys or funds on account or any insurance against loss by

fire or tornado, intended to extend beyond July 1, 1936, or shall in any manner contract for or incur any indebtedness against the state on account of any such insurance upon any such public property. Provided, that contracts of insurance in force at the effective date of this Act which cannot legally be canceled, are exempt from this prohibition during the course of their effectiveness, and provided further that the Department of Insurance may reinsure such property in the manner hereinafter set forth.

§ 2. Before July first following the effective date of this Act, the Department of Insurance shall make or cause to be made an accurate survey, appraisal, and valuation of each public building and all personal property belonging to or under the control and use of the Commonwealth of Kentucky, or any department or other agency thereof, and in addition thereto shall certify the value of such building and personal property to the department or other agency of the state which has the custody or control of said property belonging to the state of Kentucky or agency thereof. Such appraisal, and valuation shall equal the amount which the Department of Insurance deems necessary to replace the said property at the time of the appraisal, less actual depreciation.

§ 3. Before July first of each following year, the Department of Insurance shall reconsider each such appraisal and valuation, and shall certify any changes in value to the department or other agency of the state which shall have control or custody of said property.

§ 4. Before July first of each year the Department of Insurance shall fix the rate of premium upon each public building and upon each class of personal property belonging to or under the control and use of the Commonwealth of Kentucky, or any department or other agency thereof, which the Department of Insurance deems to be the average rate charged by responsible insurance companies doing business in this state, for insurance against damage by fire and tor-

nado, upon property of like kind and degree of exposure to risk.

§ 5. Before July first of each year the Department of Insurance shall certify to the State Treasurer the premium to be charged against each department or other agency of the state having control or custody of property of the state or agency thereof, which premium shall be at the rates determined under the procedure of Section 4 of this Act, calculated upon ninety per cent (90%) of the valuation of all such property, as determined under the procedure of Section 2 of this Act.

§ 6. During each fiscal year, the State Treasurer shall deduct from any funds which may be in his hands and payable to the department or other agency for the care and maintenance of such public buildings or other property, an amount equal to the premium certified to him by the Department of Insurance as chargeable against such department or other agency. The amount so debited shall be credited by the State Treasurer to an account which shall be kept by the State Treasurer and known as the State Fire and Tornado Insurance Fund. Provided, that no premium shall be charged on any single building including the contents thereof, upon a valuation in excess of five hundred thousand dollars (\$500,000.00) unless the Department of Insurance shall have contracted for reinsurance which limits the liability of the State Fire and Tornado Insurance Fund to five hundred thousand dollars (\$500,000.00) upon such building and contents.

§ 7. In case any building or other property belonging to the state or agency thereof shall be damaged by fire or tornado, it shall be the duty of the department or agency having control or custody over such property to certify within thirty days such event to the Department of Insurance. Upon such notification, or upon receipt of knowledge in any manner of such event, the Department of Insurance shall within thirty days ascertain and fix the amount of such damage and shall file with the State Treasurer a statement of the same. In case

the department or other agency having control or custody of property so damaged shall disagree with the estimate of damage so fixed, the Department of Insurance and the said department or other agency shall each appoint one member of a board of appraisers, who in turn shall select a third member of such board of appraisers. An award in writing, submitted by such board of appraisers to the State Treasurer, shall determine the amount of damage.

§ 8. When the amount of damage has been determined, the State Treasurer shall debit the account of the State Fire and Tornado Insurance Fund by such an amount, and shall credit with an equal amount the account of the department or other agency which shall have control or custody of the state property damaged by fire or tornado. Upon warrant from the State Auditor, the State Treasurer shall pay to such department or other agency the amount so credited to it, for the purpose of repairing such damage or reconstructing or replacing such damaged property. Provided, that no such debit, credit, or payment made on account of the damage to any one building and its contents, by any one fire or tornado, or during any fiscal year, shall be in excess of five hundred thousand dollars (\$500,000.00), unless the Department of Insurance shall have effected reinsurance upon such building and its contents such as to limit the liability of the State Fire and Tornado Insurance Fund to five hundred thousand dollars (\$500,000.00), and unless such excess over this amount shall have actually been paid into the State Fire and Tornado Insurance Fund by the reinsuring company or companies.

§ 9. If there shall not be in the account of the State Fire and Tornado Insurance Fund an amount sufficient to cover the damage to any state building, buildings, or other property, the State Treasurer shall debit the said fund only with the amount actually to its credit at the time, and shall continue, subject to prior claims, to debit said fund by the amount of each ensuing credit to such fund, until the total damage shall have been covered. No payments shall be made

on account of such damage to any department or other agency of the state in excess of the amount debited against the said fund at the time of payment.

§ 10. The State Treasurer, with the approval of every investment by the department of Finance and Budgetary Control, shall invest the amounts credited to the State Fire and Tornado Insurance Fund from time to time in such securities as are eligible for investment by fire and tornado insurance companies doing business in this state. Provided, that no warrants, bonds, or other obligations of the Commonwealth of Kentucky or of any department or agency thereof shall be eligible for the investment of funds belonging to the State Fire and Tornado Insurance Fund. The securities purchased shall be kept by the State Treasurer in the safety deposit vault of an approved depository bank, approved for this purpose by the Department of Finance and Budgetary Control.

§ 11. All interest, earnings, profits, or other income from investments credited to the State Fire and Tornado Insurance Fund shall be credited to such fund, and shall form part of the moneys available to cover damages by fire and tornado to state property.

§ 12. The Department of Insurance and the State Treasurer are hereby authorized to employ such clerical, actuarial, inspectional, appraisal, and other assistance, and to incur such expense for supplies, for membership in the Kentucky Actuarial Bureau, and for other purposes, as may be necessary to carry out the purposes of this act, subject to approval in advance by the Department of Finance and Budgetary Control. All such expenses of the Department of Insurance and the State Treasurer shall be debitable against the State Fire and Tornado Insurance Fund, and shall be payable on warrant by the State Auditor. Provided, that the total of such expenses during any fiscal year shall not exceed twenty per cent (20%) of the total receipts of the said fund during the same fiscal year, and provided further, that if such expenses are incurred at a time when there is not a sufficient

amount to the credit of the fund to pay them, they shall constitute a prior claim to be paid out of the first receipts of the fund thereafter before any damages on account of fire or tornado.

§ 13. With the approval of the Department of Finance and Budgetary Control, the Department of Insurance may contract with any responsible fire and tornado insurance or reinsurance company authorized to do business in this state to reinsure any building and contents thereof which the total valuation has been fixed at over five hundred thousand dollars (\$500,000.00) in such a way as to limit the net liability of the State Fire and Tornado Insurance Fund with respect to such building and the contents thereof to five hundred thousand dollars (\$500,000.00). The premium payable by reason of such contract of reinsurance shall be debitable against the State Fire and Tornado Insurance Fund, and shall be payable on warrant from the State Auditor.

§ 14. The Department of Insurance shall annually cause an inspection to be made of each building and contents thereof owned by the state or agency thereof, for the purpose of determining the unnecessary causes of fire hazard therein, and shall make such recommendations as it deems necessary to the department or other agency having control or custody of such building relative to the removal of such unnecessary hazard. Reasonable differences in the premium chargeable against such department or other agency on account of such building and the contents thereof may be made contingent upon compliance with such recommendations.

§ 15. If at the end of any fiscal year the moneys and securities to the credit of the State Fire and Tornado Insurance Fund shall equal or exceed one million dollars (\$1,000,000.00), the Department of Insurance shall certify to the State Treasurer a credit to each department or other agency of the state having control or custody of state property. Such credit shall operate to offset and reduce premium to be debited against such department or other agency and credited to the

State Fire and Tornado Insurance Fund during the next fiscal year. Such credit shall be calculated by taking the total amount of the premiums as determined under the procedure of Section 4 of this act, before and not in consideration of any credit or deduction from the same, by subtracting from such premiums the total amount of the losses and damage debited against the said fund as authorized also the total amount of expenses debited against the said fund as authorized under Sections 12 and 13 of this act, and by dividing the result by the total amount of premiums as determined under the procedure of Section 4 of this act. Such proportionate credit shall be applied equally against each premium debitable against each department or other agency having control or custody over state property and shall revert to the account of the said department or other agency without prejudice as to its use.

§ 16. All policies which have been contracted by departments or other agencies of the state, insuring state buildings or other state property against fire or tornado, shall be canceled by such department or other agency as of July first following the effective date of this Act, or as soon thereafter as such cancellation can lawfully be effected. In case of policies which cannot lawfully be canceled by the said date, the department or agency concerned shall be relieved of obligation to be debited with the corresponding premium for the credit of the State Fire and Tornado Insurance Fund, and said fund shall be relieved of obligation to pay the corresponding damages upon the property concerned, until such time as such policies cease to be of effect.

§ 17. There is hereby appropriated from the General Expenditure Fund to the Department of Insurance the sum of one thousand dollars (\$1,000.00) to be used during the present fiscal year in carrying out the duties imposed by this act.

§ 18. There is hereby appropriated to the State Fire and Tornado Insurance Fund from the General Expenditure Fund the sum of one hundred thousand dollars (\$100,000.00)

to assure safety of operation while the former fund is being built up from premiums and income from investments.

To Committee on Kentucky Statutes No. 1.

By Mr. Carter:

H. B. 131. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road leading from a point in the Tompkinsville-Glasgow road at Mount Hermon, in Monroe County, Kentucky, via Hackers Branch School and near the old road the entire distance, to Sulphur Lick, in Monroe County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the Primary System of State Roads and Highways of the Commonwealth of Kentucky a road beginning at a point on Highway No. 68, at Mount Hermon, in Monroe County, Kentucky, and running thence to Sulphur Lick, in Monroe County, via Hackers Branch School and near the present road the entire distance.

§ 2. This route when established to be designated as Project No....., and be entitled to and receive all the benefits relating to the Primary System of Roads and Highways. The State Highway Commission will have said route surveyed and located.

To Committee on Roads and Highways No. 2.

By same:

H. B. 132 An Act creating and establishing as a part of the primary system of roads and highways of the Common-

wealth of Kentucky a road beginning at a point in the Tompkinsville-Fountain Run Highway at Gamaliel, Kentucky, via McPeat School and Bug Tussle to Akersville, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the Primary System of State Roads and Highways of the Commonwealth of Kentucky a road beginning at a point in the Tompkinsville-Fountain Run Highway at Gamaliel, Monroe County, Kentucky, and running thence, via McPeat School house and Bug Tussle, to Akersville, in Monroe County, Kentucky.

§ 2. This route when established to be designated as Project No., and be entitled to and receive all the benefits relating to the Primary System of Roads and Highways. The State Highway Commission will have said route surveyed and located.

To Committee on Roads and Highways No. 2.

By Mr. Nickell:

H. B. 133. An Act to establish as part of the primary system of State Highways, a road leading from a point at or near J. C. Stamper's Store in Morgan County at a point on Garrett Highway No. 40 and running in a Southernly course up Grassy Creek to or near Buskirk Post Office in Morgan County; thence to Sellars Post Office in Morgan County; thence crossing the divide between Red River and Grassy Creek and entering Wolfe County intersecting with Hazel-green and Cannel City Highway No., at or near Grant Rose's residence in Wolfe County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as part of the primary system of the State Highways of the Commonwealth of Kentucky, a road leading from a point at or near J. C. Stamper's Store in Morgan County at a point on Garrett Highway No. 40 and running in a southernly course up Grassy Creek to or near Buskirk Post Office in Morgan County; thence to Sellars Post Office in Morgan County; thence crossing the divide between the Red River and Grassy Creek and entering Wolfe County intersecting with Hazelgreen and Cannel City Highway No. at or near Grant Rose's residence in Wolfe County.

§ 2. That the construction and maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920 and all laws pertaining thereto, establishing and creating a primary system of State Highways to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State Highways, as provided therein.

To Committee on Roads and Highways No. 2.

By same:

H. B. 134. An Act to establish as part of the primary system of state highways, a road leading from a point at or near the Lenox post office in Morgan County, Ky., at a point in Morgan County, Kentucky, at a point on the West Liberty-Paintsville highway survey, thence in a northerly course to Redwine in Morgan County; thence running on or near the old railroad bed to Wrigley post office in Morgan County; thence continuing on or near the old railroad bed to Paragon post office in Rowan County and on beyond the said Paragon post office in Rowan county to a point intersect-

ing with C. C. C. road now being constructed in said Rowan County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as part of the primary system of the state highways of the Commonwealth of Kentucky, a road leading from a point at or near the Lenox post office, Morgan County, Ky., at a point on the West Liberty-Paintsville highway survey; thence in a northerly course to Redwine in Morgan County; thence running on or near the old railroad bed to Wrigley post office in Morgan County; thence continuing on or near the old railroad bed to Paragon post office in Rowan County and on beyond the said Paragon post office in Rowan County to a point intersecting with C. C. C. road now being constructed in said Rowan County.

§ 2. The construction and maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920 and all laws pertaining thereto, establishing and creating a primary system of state highways to the same effect as if said road had been named in the original act as one of the projects of the primary system of state highways, as provided therein.

To Committee on Roads and Highways No. 2.

By same:

H. B. 135. An Act to establish as part of the primary system of state highways, a road leading from a point near Beverly Walsh's residence in Morgan County on the West Liberty and Paintsville survey; thence running in a westerly course down the valley of Elk Fork Creek in Morgan County

and intersecting the West Liberty-Morehead Road No. in Morgan County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as part of the primary system of the state highways of the Commonwealth of Kentucky, a road leading from a point near Beverly Walsh's residence in Morgan County on the West Liberty and Paintsville survey; thence running in westerly course down the valley of Elk Fork Creek in Morgan County and intersecting the West Liberty-Morehead Road No. in Morgan County.

§ 2. The construction and maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920 and all laws pertaining thereto, establishing and creating a primary system of state highways to the same effect as if said road had been named in the original act as one of the projects of the primary system of state highways, as provided therein.

To Committee on Roads and Highways No. 2.

By Mr. Nickell:

H. B. 136. An Act to establish as part of the primary system of state highways, a road leading from Bonny Oldfield's residence in Morgan County, at a point on Garrett Highway No. 40; thence running in a southernly course up Murphy's Fork Creek in Morgan County, via Murphy's Fork post office to Hazelgreen in Wolfe County and intersecting with the Hazelgreen-Cannel City State Highway No.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as part of the primary system of the state highways of the Commonwealth of Kentucky, a road leading from Bonny Oldfield's residence in Morgan County at a point on Garrett Highway No. 40; thence running in a southerly course up Murphy Fork Creek in Morgan County via Murphy Fork post office to Hazelgreen in Wolfe County and intersecting with Hazelgreen-Cannel City Highway No.

§ 2. The construction and maintenance, supervision and control of the said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920 and all laws pertaining thereto, establishing and creating a primary system of state highways to the same effect as if said road had been named in the original act as one of the projects of the primary system of state highways, as provided therein.

To Committee on Roads and Highways No. 2.

By Mr. Nickell:

H. B. 137. An Act to amend Section 2739g-6, Carroll's Kentucky Statutes, 1930 Edition, as amended by acts of March 19, 1926, relating to registration by manufacturers and dealers of motor vehicles, registration of salesmen; and of cars in transit; and providing penalties for violation thereof, by adding the following: The dealers plates furnished under the provision of said Statute 2739g-6 may be used upon any truck or machine used as a wrecker which has mounted upon it a crane or hoist which is used by said manufacturer, dealer or member of the firm, salesman or other bona fide employees of said firm in connection with the garage where automobiles, trucks or other motor vehicles are sold without said manufacturer, dealer or firm having said truck, machine or

motor vehicle registered and licensed as otherwise provided by law.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2739g-6, Carroll's Kentucky Statutes, 1930 Edition, as amended by Act of March 19, 1936, be amended by adding thereto the following:

The dealers plates furnished under the provision of Section 2739g-6 may be used upon any truck, machine or other motor vehicle when operated by the said dealer, firm, garage or any salesman or bona fide employee of said manufacturer or dealer, when said truck, machine or motor vehicle is mounted with a crane or hoist to be used by said manufacturer, dealer or garage or bona fide employee thereof in connection with said business for the purpose of hoisting or towing and automobile upon the highways of this Commonwealth from any place of wreck or disablement of said car when same is unable to be propelled or moved upon its own power, and further provided that said truck, machine or other motor vehicle when used by said manufacturer, dealer or garage or any bona fide employee thereof shall not be required to have any additional plate or be registered as may be now required by law, but further provided that said motor vehicle, truck or machine when so used by said manufacturer, dealer or garage as herein set out shall bear at all times a dealer's license plate as provided in said Section 2739g-6 in the same manner and under the same conditions as if said truck, machine or motor vehicle was a car, truck or motor vehicle, being demonstrated for the purpose of sale by said firm or garage; further provided that no garage, manufacturer or dealer shall be permitted to use said dealers license plates as herein set out unless they have complied with Section 2739g-6, Carroll's Kentucky Statutes, 1930 Edition, as dealers

and have paid the annual registration fee as required thereunder.

By Mr. Coleman:

H. B. 138. An Act to establish three new Road Projects as a part of the State Primary Road System.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the primary road system of the Commonwealth of Kentucky, a road leading from Somerset city limits on the Jacksboro road, thence to Ferguson, thence to Elihu, from there to Tollie Gover's residence, from there on the Jacksboro road to the intersection of No. 27, at the mouth of Pittman Creek.

§ 2. There is also established as a part of the primary road system of the Commonwealth of Kentucky, a road leading from Nancy on No. 80 to Zollicoffer's monument, thence to Fairview, thence to Delmar, thence to Trimble, thence to the Wayne County line on the Mill Springs road, thence from there to Mill Springs No. 90.

§ 3. There is also established as a part of the primary road system of the Commonwealth of Kentucky, a road leading from Bronson on No. 90, thence to Quinton, thence to Kidder, thence to Gregory, Wayne County, thence from there to Cooperville, Wayne County.

§ 4. The construction, maintenance, supervision and control of said roads shall be subject to all the terms and conditions as set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of state highways.

To Committee on Roads and Highways No. 2.

By Mr. Baker:

H. B. 139. An Act to add to the primary system, a road in Shelby County known as the Jail Hill road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road known as the Jail Hill road in Shelby County, extending from the city limits of Shelbyville, Kentucky, on the north, from the end of 5th Street, for a distance of four-tenths (4/10) of a mile to Highway No. 55, be made a part of Highway No. 55 and the primary road system of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Baker:

H. B. 140. An Act to define oleomargarine and to prescribe regulations to govern the manufacture, storage and sale thereof; to provide for the issuance of license to the manufacturers and venders thereof on payment of fees therefor, and for revocation of such license and violations of this Act, to provide a privilege tax on sales of oleomargarine; to provide for the enforcement of the provisions of this act by the State Tax Commission and its agents; and declaring a violation of this act to be a misdemeanor and providing punishment therefor, and authorizing the State Tax Commission to make rules and regulations to carry into effect this act, and repealing all laws or parts of laws in conflict herewith, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the term person as used in this act shall include individuals, firms, co-partnerships, associations and corporations, both foreign and domestic.

§ 2. That for the purpose of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as oleomargarine, namely: All substances heretofore known as oleomargarine, ole, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish or fish oil, palm oil, vegetable oil, annetto and other coloring matter, intestinal fat and offal fat, if (1) made in imitation or semblance of butter, or (2) calculated or intended to be sold as butter or for butter, or (3) churned, emulsified, or mixed in cream, milk, water or other liquid, and containing moisture in excess of one per centum, or salt in any quantity whatsoever. This section shall not apply (1) to puff pastry, shortening not churned or emulsified in milk or cream and having a melting point of one hundred and eighteen degrees Fahrenheit or more, nor (2) to any of the following containing condiments and spices: Salad dressings, mayonnaise dressing or mayonnaise products, nor (3) to pharmaceutical preparations.

§ 3. That whoever, in person or by agent, sells, exposes for sale, or has in possession with intent to sell, oleomargarine as defined in Section 2 of this Act, shall have the word "oleomargarine" branded upon the top, sides and bottom of every tub, firkin, box or package containing any of said articles, in plain Gothic letters or not less than twenty-point type. This brand must cover a space of not less than three and one-eighth inches in length on each panel, and shall be printed in a conspicuous color, which forms a strong contrast with the color of the package; and whoever, in person or by agent exposes or offers for sale any oleomargarine not in the original package, shall attach to said article, in a conspicuous place, a label bearing the word "oleomargarine" as provided for above and in case of retail sales of any said articles, substances or compound from bulk, tub, or other container, the seller shall in person or by agent, attach to each package so sold and de-

livered therewith to the purchasers, a label or wrapper bearing in a conspicuous place upon the outside of the package the word "oleomargarine" printed in plain Gothic letters of not less than twenty-point type.

§ 4. That no person, by himself or his agent or servant, shall manufacture, sell, offer for sale, expose for sale or have in his possession, with intent to sell, any article compounded or product, made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced directly and at the time of manufacture, from unadulterated milk or cream from the same which shall be in imitation of butter, produced from pure unadulterated milk, cream, or the combination of same. Provided that nothing in this Act shall be construed to prohibit the manufacture or sale of oleomargarine, as defined in Section 2 of this Act, in a separate and distinct form and in such a manner as prescribed in said section.

§ 5. That every person desiring to manufacture, sell or offer for sale, or have in possession with intent to sell oleomargarine as defined in Section 2 of this Act, shall make application for a license to do so, which shall be in such form as shall be prescribed by the State Tax Commission or its agents, said application shall be furnished by the State Tax Commission in such form with such information thereon as may be deemed necessary or expedient for the fulfillment of the provisions of this Act, such application shall contain an accurate description of the place where the proposed business is intended to be carried on, the name, style of firm and such other information as may be prescribed to conduct the said business, such licenses shall be furnished to the firm, person, manufacturer, or retailer and the State Tax Commission shall issue such license properly signed and certified to, charging the following fees: Manufacturer's license, five dollars (\$5.00) jobbers license, three dollars (\$3.00), retail merchant's license, two dollars (\$2.00) said license to be for the period of one year; after obtaining the license required by this section, the person obtaining the same shall, before begin-

ning any business granted under the said license, hang up and display in a conspicuous place, on the walls of the room, store or factory in which oleomargarine is offered or exposed for sale, the license so obtained as aforesaid; and shall also procure from the State Tax Commission a sign, or signs, which in number, size and lettering shall be uniform throughout the State, clearly setting forth that he is engaged in the manufacture, or sale of oleomargarine.

§ 6. That any person operating a restaurant, lunch-counter, boarding house, or other place where food is served to the public using and serving oleomargarine, shall have cards placed in plain view on all four walls, opposite the table or tables or other places where guests are served, such signs as may be required by the State Tax Commission which shall have printed thereon "oleomargarine used here," and where menu cards are used the words "oleomargarine used here" shall appear in type in a conspicuous place thereon in as large letters as appear on the menu card, and provided further, that any person operating any above named public place serving food shall make application to the State Tax Commission as required in Section 5 of this Act, and shall pay the following license fee: Three Dollars (\$3.00) for each hotel, Two Dollars (\$2.00) for each restaurant, cafe, lunch-counter, pie wagon, club, or any other place where food is served to the public, and One Dollar (\$1.00) for each boarding house, and upon the issuance of such license, the licensee or agent of such place or places shall keep constantly posted the license as herein granted under the provisions of this section.

§ 7. That the State Tax Commission shall have authority to revoke any license issued under this Act for the repeated non-observance by licensee of the provisions of this Act, or because licensee's place of business is in an unduly insanitary condition; provided, however, that five days' written notice, specifying the complaint may be given licensee to appear before the State Tax Commission and show cause why such license should not be revoked. If after the revocation of

such license the licensee should comply with the requirements of the law and make manifest in writing their intentions to observe them in the future, the State Tax Commission may issue to them another license upon their paying the required fee therefor.

§ 8. That no person shall use in any way in connection or association with the sale, or exposure for sale, or advertisements of oleomargarine as defined in Section 2 of this Act, the words butterine, creamery, or dairy, or the representation of a cow of any breed of dairy cattle, or any combination of such words and representation, or any other words or symbols, or combinations thereof, commonly used by the dairy industry, except only the labeling requirements described in Section 3 of this Act; no person shall efface, erase, cancel or remove any mark, statement, label or stamp required by this Act with intent to mislead, deceive or with intent to violate any of the provisions of this Act.

§ 8a. That there is hereby levied a tax to the amount of five cents per pound on all oleomargarine sold in the State as defined in Section 2 of this Act, such tax to be in the form of a stamp in such denominations as will best carry out the provisions of this section, said Stamps shall be properly safeguarded as to their manufacture, preservation and distribution, and shall be in custody and charge of the State Tax Commission and provided further, that the affixing and cancellation of said stamps shall be directed by the State Tax Commission, "This tax to be in addition to the license fees defined in Sections 5 and 6 of this bill and license shall be dated January 1 of each year and expire December 31 of the same year."

§ 9. That no state, county, municipal or other institution supported in whole or in part by public funds shall furnish to its inmates, patrons, or employees, or use in the preparation of their food any oleomargarine or similar substitutes for butter as defined in Section 2 of this Act.

§ 10. All revenue and fees collected by the State Tax

Commission under the provisions of this Act, shall be paid into the State Treasury to the credit of the general fund.

§ 11. The State Tax Commission is hereby authorized to appoint the necessary agents or deputies for the purpose of carrying out the provisions of this Act, and said agents, deputies, and employees, are hereby authorized and empowered to enter, during business hours, for the purpose of carrying out the provisions of this Act, all places of business that may come under the provisions of this Act.

§ 12. That to facilitate the inspection of oleomargarine as prescribed in this Act, all manufacturers, jobbers, and wholesalers making shipments into or within the State are hereby required to forward to the State Tax Commission on forms to be furnished by the said Commission and on the date of shipment, notification of the amount of such oleomargarine together with the car number and/or transportation company, the name and address of the consignee, together with the brand or brands making up such shipment.

§ 13. The State Tax Commission is hereby empowered to promulgate such rules and regulations as are consistent with the provisions of this Act, provided, however, that when requested by any person interested, the State Tax Commission shall furnish copies of all proposed rules and regulations at least ten days before such rules and regulations become effective so that the person may be heard thereon.

§ 14. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof, for the first offense shall be fined not less than Ten Dollars (\$10.00), nor more than Fifty Dollars (\$50.00), and for such subsequent offense shall be fined not less than Twenty-Five Dollars (\$25.00), or be imprisoned in the county jail for not more than twelve months, nor less than sixty days, or shall suffer both fine and imprisonment.

§ 15. That if any section, subsection, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding

shall not affect any other section, subsection, clause, or provision of this Act.

§ 16. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

§ 17. Whereas, the present state revenue does not meet the immediate needs for the maintenance and development of the state government and its agencies, and the credit of the State is threatened with impairment, an emergency is declared to exist, and this Act shall become a law and become effective upon its passage and approval by the Governor.

§ 18. The collection of the tax levied by this Act may not be enjoined by any court, but the taxpayer shall pay the same as and when it becomes due, and may sue the Auditor of Public Accounts for a refund of such tax and any judgment so obtained shall be a first claim against the general revenues of the Commonwealth of Kentucky or against the fund into which such taxes are paid.

To Committee on Public Health Number 1.

By Mr. Baker:

H. B. 141. An Act to provide for the stabilization of the milk industry in the State of Kentucky creating local boards setting up a system of regulation under which the producer, distributor and consumer of milk will be properly regulated and protected.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Purpose.* The purpose of this Act is to provide a uniform system for the production, sale, distribution and consumption of milk and dairy products. Experience has taught that it is necessary to regulate the production and distribution of milk and dairy products as to the producer, the distributor

and the consumer in order that a fair price may be obtained by the producer, a fair price received by the distributor and a fair price paid by the consumer.

§ 2. *Definitions.* Wherever used in this Act the following terms shall be construed as set out.

(a) "Producer" shall mean any firm, person or corporation producing milk to be sold by such producer in any sales area which conforms to the health regulations for fluid milk of the city located in the sales area.

(b) "Distributor" as used in this Act shall mean any person, firm or corporation who buys milk from a producer or other distributor for resale or sells milk or dairy products not produced by himself or such products when produced by himself to others, or selling any milk or milk products in any sales area and holding a distributor's permit from the local Health Board if such permit is required.

(c) "Consumer" shall mean the person, firm or corporation which actually consumes milk or dairy products in whatever form said products may be sold for final consumption.

(d) "Local Board" as used in this Act shall mean a Board regularly constituted as provided in this Act, and qualified to act.

(e) "Local District" as used in this Act shall mean any district composing not less than three (3) counties in the State of Kentucky, in which the producers and distributors as hereinafter provided shall agree to set up a local Board.

(f) "Milk and Dairy Products" as used in this Act shall mean all milk, cream, buttermilk, cottage cheese, flavored milk, raw or pasteurized milk sold by a milk distributor.

(g) Sales of milk or dairy products in Interstate Commerce when made in good faith for shipment out of the State of Kentucky shall be excluded from the provisions of this Act.

§ 3. There is hereby created the office of the State Milk Director which office shall be held by the Commissioner of Agriculture of the Commonwealth of Kentucky and such

Director shall have power to execute and perform the duties required of him by this Act, and for which he shall receive no compensation.

§ 4. The local district shall embrace such counties or parts of counties as may be determined and certified by the State Milk Director to comprise such local district, but in no event shall it consist of less than three (3) counties, and as far as possible it shall include the natural milk shed of any metropolitan center so far as said milk shed lies within the State of Kentucky. The Sales Area in any local district shall be such area as may be determined and certified by the State Milk Director.

§ 5. At any time after this Act becomes effective there may be set up in any local district as herein defined a local Board, provided sixty-five (65%) per cent of the producers in said district or sixty-five (65%) per cent of the distributors in said district certify to the State Milk Director their desire to have such Board constituted. Such Board shall consist of seven (7) members, three (3) of whom to be elected by the producers, three (3) to be elected by the distributors and one (1) appointed by the Dean of the College of Agriculture, University of Kentucky, from the public at large and not a distributor or producer, who shall serve for 2 years, and all of whom shall reside in the local district.

The elective members of the local Boards shall be elected at a meeting called by the State Milk Director within thirty days after request is made, notice of which shall be sent to all producers within the local district and to all distributors doing business within the sales area of said local district, but each meeting shall be held separately, and twenty (20) days' notice of the time and place of holding said meeting shall be given in the notice. At such meeting a chairman and secretary shall be elected and the certification of the chairman and secretary of the names of those elected to the local Board shall be made to the State Milk Director and shall be final.

In the election of the local Board members by the distrib-

utors, each distributor's vote shall be computed in accordance with the amount of fluid milk sold by each distributor. In the producers election, each producer shall have one vote.

The members of the first local Board shall hold their offices for a term of one (1) year and until their successors are elected and qualified, and each year thereafter the State Milk Director shall give the same notice of election of members of the local Board as above provided. The election of members of the local Board shall be held in the same month each year and as nearly as possible on the same day. Vacancies in the local Board of producer members shall be filled by the remaining members until the next annual election. Likewise, vacancies of distributor or consumer members shall be filled by the distributors or the Dean of the College of Agriculture as the case may be.

§ 6. *Powers of the local board.* The local Boards shall have the following powers, to wit:

(a) To make a careful study of the conditions both of the production, distribution and consumption of milk and dairy products.

(b) To set up a uniform practice and method by which all producers of milk will receive for their products a uniform and fair price, and by which all distributors will pay for their milk and dairy products upon a uniform and fair basis. And to assess and collect from the producers a fixed and uniform sum sufficient to pay for auditing costs, testing supervision, advertising and educational program.

(c) To issue licenses to all distributors and to revoke said licenses if any distributor fails to comply with the regulations of the local Board.

(d) To make such regulations governing the distribution of milk and dairy products within the local district as shall promote the well-being of the producer, the distributor and the consumer.

§ 7. (a) All distributors in the Sales Area shall pro-

cure and maintain a license from the local Board and no distributor shall operate without such license.

(b) *Penalties.* Any person, firm or corporation violating the provisions of this Act or failing to conform to the regulations of the local Board shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Ten (\$10.00) Dollars and not more than One Hundred (\$100.00) Dollars for each offense.

§ 8. *Constitutionality.* If any part of this Act shall be held to violate any provision of the constitution of the United States or the constitution of the State of Kentucky, then such part shall be eliminated therefrom and the remainder of said Act shall be in force, it being declared to be the legislative intention to enact a comprehensive Act without the inclusion of such part as may be declared unconstitutional.

§ 9. *Nothing in this Act is* intended or shall be construed to limit any of the rights, powers or privileges granted to Co-Operative Marketing Associations by Section 883f-1 to Section 883f-41 inclusive of the Kentucky Statutes, or to repeal any portion of said sections.

To Committee on Public Health No. 1.

By Mr. Steely:

H. B. 142. An Act re-enacting Section 1938a-5 of the 1934 Supplement to Carroll's Kentucky Statutes relating to the hunting season for hunting rabbits.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No person shall, between the 10th day of January and the 23rd day of November, both days inclusive, in any year, catch, kill, or injure or pursue with such intent, any rabbit; provided, however, anyone may catch rabbits with dogs or traps, upon their own property for their own use but said

rabbits, or parts thereof cannot be bartered or traded or offered or exposed for sale, barter or trade, between the dates above mentioned; provided however, that it shall be unlawful to catch or take by means of snares, any rabbits at any time.

Any one violating any provision of this act shall be fined not less than \$15.00 nor more than \$50.00 for each offense.

To Committee on Fish and Game.

By Mr. McGary:

H. Res. 15. Joint Resolution authorizing Boone Dick to sue the Commonwealth of Kentucky and the State Highway Commission or either.

Said resolution is as follows, viz.:

Resolution authorizing Boone Dick to sue the Commonwealth of Kentucky and the State Highway Commission or either.

Whereas, in the year 1925, by condemnation proceedings, the Commonwealth of Kentucky acquired, from M. E. Anderson and N. B. Anderson, in Carlisle County, Kentucky, a strip of land sixty feet in width and about one mile in length, for the purpose of constructing a hard surface road thereon, which road is at present known as State Project No. 1 and Federal project No. 131, and

Whereas, a stream of water known as Truman creek flowed under said highway, and

Whereas, the State Highway Commission did begin the construction of said highway where the present highway now runs, from Bardwell, Kentucky, north to Wickliffe, Kentucky, in the year 1926 and which highway was, by said Highway Commission, completed in the year 1930, and

Whereas, in the construction of said highway, the State Highway Commission did cut some very deep barrow pits or canals lengthwise with said highway and deeper than the bed of Truman creek and did divert the waters which had for-

merly flown in Truman creek from its original channel and through said barrow pit for a distance of more than a mile and which did cause the original channel of Truman creek to fill up with earth and sand by reason of the way the barrow pits or canals were so cut or construed, and

Whereas, the original channel of Truman creek, on the east side of said public highway and from the point where the barrow pit or canal was cut from Truman creek, lengthwise with its highway, and which changed the water course so that Truman creek has not existed since, because it was filled up with earth and sand for a distance of a mile and a half, and

Whereas, in 1928, the State Highway Commission did plant a lot of growing Willows in said barrow pit or canal, so constructed by it, and did construct a wire fence in the bed and bottom of said barrow pit or canal and that said Willows have grown in great volume and, together with the fence constructed therein, have caught new earth and sediment and have caused said barrow pit or canal to fill up to such an extent that the waters from Truman creek will not flow therein but are spreading over the lands of Boone Dick and, yearly, since 1928, have been backing up and filling up the channel of Truman creek with new made earth and sand, and

Whereas, Boone Dick owns a tract of land consisting of 171 acres which lies just above and adjacent to and on the west side of said highway and on Truman creek, and

Whereas, in 1932, 1933, 1934, and 1935, thirty-seven acres of said tract of land of Boone Dick began to be overflowed by the waters from Truman creek and which land has been overflowed yearly with the waters from Truman creek for the years 1932, 1933, 1934, and 1935, which destroyed his crops growing thereon, through the crop season, and has injured and destroyed his land because of the filling up of the channel of Truman creek below his land and causing the waters to back up over his land and stand, and

Whereas, the waters of Truman creek had never, prior to 1932, backed up and overflowed and injured the lands, fences, and crops thereon, and

Whereas, he has lost and has been damaged in his crops and fences, which were washed down, injured, and destroyed, and his lands damaged, and

Whereas, all of which has been brought about solely by the negligent construction and maintenance of said highway and in the changing of the channel of Truman creek, and

Whereas, the said Boone Dick has been damaged and sustained damages by reason of the careless and negligent construction of said state highway by the State Highway Commission in the construction of said highway, said barrow pit or canal, and in the diversion of the waters of Truman creek and in the filling up of said canal or barrow pit, since 1928, and of the channel of Truman creek which caused the waters, since 1931, to overflow the lands of Boone Dick and destroy his growing crops, fences, and injure his lands: Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Boone Dick be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either of them, in the Circuit Court of the county of Carlisle, where said land is situated, for such damages as he may have sustained, if any, by reason of injury or damages received by him for the destruction of growing crops during the years of 1932, 1933, 1934, and 1935, and the use of said lands so covered with water, and his fencing, and such damages or injury to his land by reason of its having been overflowed by the waters from Truman creek through the carelessness or negligence of the State Highway Commission, its agents or employees. Said suit shall be for any amount, and in the event a judgment is recovered by said Boone Dick in said suit for damages or same is compromised or settled, same shall be paid by the auditor of public accounts

by warrant drawn on the State Treasury and paid out of the general funds.

Second, either party to said suit may appeal from any judgment which may be entered therein and the same procedure shall be followed as is provided in the Civil Code for other civil suits and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

To Committee on Claims.

By same:

H. Res. 16. Joint resolution authorizing R. A. Bodkin and W. H. Coathes to sue the Commonwealth of Kentucky and the State Highway Commission or either.

Said resolution is as follows, viz.:

Resolution authorizing R. A. Bodkin and W. H. Coathes to sue the Commonwealth of Kentucky and the State Highway Commission or either.

Whereas, in the year 1925, by condemnation proceedings, the Commonwealth of Kentucky acquired, from M. E. Anderson and N. B. Anderson, in Carlisle county, Kentucky, a strip of land sixty feet in width and about one mile in length, for the purpose of constructing a hard surface road thereon, which road is at present known as State Project No. 1 and Federal Project No. 131, and

Whereas, a stream of water known as Truman creek flowed under said highway, and

Whereas, the State Highway Commission did begin the construction of said highway where the present highway now runs, from Bardwell, Kentucky, north to Wickliffe, Kentucky, in the year 1926 and which highway was, by said Highway Commission, completed in the year 1930, and

Whereas, in the construction of said highway, the State Highway Commission did cut some very deep barrow pits or

canals lengthwise with said highway and deeper than the bed of Truman creek and did divert the waters which had formerly flown in Truman creek from its original channel and through said barrow pit for a distance of more than a mile and which did cause the original channel of Truman creek to fill up with earth and sand by reason of the way the barrow pits or canals were so cut or constructed, and

Whereas, the original channel of Truman creek, on the east side of aid public highway and from the point where the barrow pit or canal was cut from Truman creek, lengthwise with its highway, and which changed the water course so that Truman creek has not existed since, because it was filled up with earth and sand for a distance of a mile and a half, and

Whereas, in 1928, the State Highway Commission did plant a lot of growing Willows in said barrow pit or canal, so constructed by it, and did construct a wire fence in the bed and bottom of said barrow pit or canal and that said Willows have grown in great volume and, together with the fence constructed therein, have caught new earth and sediment and have caused said barrow pit or canal to fill up to such an extent that the waters from Truman creek will not flow therein but are spreading over the lands of M. E. Anderson and N. B. Anderson and, yearly, since 1928, have been backing up and filling the channel of Truman creek with new made earth and sand, and

Whereas, R. A. Bodkin and W. H. Coathes own a tract of land, consisting of 180 acres, which lies just above and adjacent to and on the west side of said highway and on Truman creek, and

Whereas, in 1932, 1933, 1934, and 1935, thirty-four acres of said tract of land of R. A. Bodkin and W. H. Coathes begun to be overflowed by the waters from Truman creek and which land has been overflowed yearly with the waters from Truman creek for the years, 1932, 1933, 1934, and 1935, which destroyed their crops growing thereon, through the crop season, and has injured and destroyed their land, because of the

filling up of the channel of Truman creek below their land and causing the waters to back up over their land and stand, and

Whereas, the waters of Truman creek had never, prior to 1932, backed up and overflowed and injured the lands, fences and crops thereon, and

Whereas, they have lost and have been damaged in their crops and fences, which were washed down, injured, and destroyed, and land damaged, and

Whereas, all of which has been brought about solely by the negligent construction and maintenance of said highway and in the changing of the channel of Truman creek, and

Whereas, the said R. A. Bodkin and W. H. Coathes have been damaged and sustained damages by reason of the careless and negligent construction of said State Highway by the State Highway Commission in the construction of said highway, said barrow pit or canal, and in the diversion of the waters of Truman creek and in the filling up of said canal or barrow pit, since 1928, and of the channel of Truman creek which caused the waters, since 1931, to overflow the lands of R. A. Bodkin and W. H. Coathes and destroy their growing crops, fences, and injure their lands: Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. A. Bodkin and W. H. Coathes be and they are hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either of them, in the Circuit Court of the county of Carlisle, where said land is situated, for such damages as they may have sustained, if any, by reason of injury or damages received by them for the destruction of growing crops during the years of 1932, 1933, 1934, and 1935, and the use of said lands so covered with water, and their fencing, and such damages or injury to their land by reason of its having been overflowed by the waters from Truman creek through the care-

lessness or negligence of the State Highway Commission, its agents or employees. Said suit shall be for any amount and, in the event a judgment is recovered by said R. A. Bodkin and W. H. Coathes in said suit for damages or same is compromised or settled, same shall be paid by the auditor of public accounts by warrant drawn on the State Treasury and paid out of the general funds.

Second, either party to said suit may appeal from any judgment which may be entered therein and the same procedure shall be followed as is provided in the Civil Code for other civil suits and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

To Committee on Claims.

By same:

H. Res. 17. Resolution authorizing R. E. Stanley to sue the Commonwealth of Kentucky and the State Highway Commission or either.

Said resolution is as follows, viz.:

Resolution authorizing R. E. Stanley to sue the Commonwealth of Kentucky and the State Highway Commission or either.

Whereas, in the year 1925, by condemnation proceedings, the Commonwealth of Kentucky acquired, from M. E. Anderson and N. B. Anderson, in Carlisle county, Kentucky, a strip of land sixty feet in width and about one mile in length, for the purpose of constructing a hard surface road thereon, which road is at present known as State project No. 1 and Federal project No. 131, and

Whereas, a stream of water known as Truman creek flowed under said highway, and

Whereas, the State Highway Commission did begin the construction of said highway where the present highway now

runs, from Bardwell, Kentucky, north to Wickliffe, Kentucky, in the year 1926 and which highway was, by said Highway Commission, completed in the year 1930, and

Whereas, in the construction of said highway, the State Highway Commission did cut some very deep barrow pits or canals lengthwise with said highway and deeper than the bed of Truman creek and did divert the waters which had formerly flown in Truman creek from its original channel and through said barrow pit for a distance of more than a mile and which did cause the original channel of Truman creek to fill up with earth and sand by reason of the way the barrow pits or canals were so cut or constructed, and

Whereas, the original channel of Truman creek, on the east side of said public highway and from the point where the barrow pit or canal was cut from Truman creek, lengthwise with its highway, and which changed the water course so that Truman creek has not exited since, because it was filled up with earth and sand for a distance of a mile and a half, and

Whereas, in 1928, the State Highway Commission did plant a lot of growing Willows in said barrow pit or canal, so constructed by it, and did construct a wire fence in the bed and bottom of said barrow pit or canal and that said Willows have grown in great volume and, together with the fence constructed therein, have caught new earth and sediment and have caused said barrow pit or canal to fill up to such an extent that the waters from Truman creek will not flow therein but are spreading over the lands of M. E. Anderson and N. B. Anderson and, yearly, since 1928, have been backing up and filling up the channel of Truman creek with new made earth and sand, and

Whereas, R. E. Stanley owns a tract of land, consisting of 143 $\frac{1}{3}$ acres, which lies just above and adjacent to and on the west side of said highway and on Truman creek, and

Whereas, in 1932, 1933, 1934, and 1935, twenty acres of said tract of land of R. E. Stanley begun to be overflowed by the waters from Truman creek and which has been overflowed

yearly with the waters from Truman creek for the years 1932, 1933, 1934, and 1935, which destroyed the crops growing thereon, through the crop season and has injured and destroyed the land because of the filling up of the channel of Truman creek below his land and causing the waters to back up over his land and stand, and

Whereas, the waters of Truman creek had never, prior to 1932, backed up and overflowed and injured the lands, fences, and crops thereon, and

Whereas, he has lost and has been damaged in his crops and fences, which were washed down, injured and destroyed, and his lands damaged, and

Whereas, all of which has been brought about solely by the negligent construction and maintenance of said highway and in the changing of the channel of Truman creek, and

Whereas, the said R. E. Stanley has been damaged and sustained damages by reason of the careless and negligent construction of said state highway by the State Highway Commission in the construction of said highway, said barrow pit or canal, and in the diversion of the waters of Truman creek in the filling up of said canal or barrow pit, since 1928, and of the channel of Truman creek which caused the waters, since 1931, to overflow the lands of R. E. Stanley and destroy his growing crops and fences and injure his lands: Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That R. E. Stanley be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either of them, in the Circuit Court of the county of Carlisle, where said land is situated, for such damages as he may have sustained, if any, by reason of injury or damage received by him for the destruction of growing crops during the years of 1932, 1933, 1934, and 1935, and the use of said lands so covered with water, and his fencing, and such damages or injury to his land by reason of its

having been overflowed by the waters from Truman creek through the carelessness or negligence of the State Highway Commission, its agents or employees. Said suit shall be for any amount and, in the event a judgment is received by said R. E. Stanley in said suit for damages or same is compromised or settled, same shall be paid by the auditor of public accounts by warrant drawn on the State Treasury and paid out of the general funds.

Second, either party to said suit may appeal from any judgment which may be entered therein and the same procedure shall be followed as is provided in the Civil Code for other civil suits and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

To Committee on Claims.

By Mr. Hulette:

H. Res. 18. Joint resolution authorizing the personal representative of Winferd Hoover to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Resolution authorizing the personal representative of Winferd Hoover to sue the Commonwealth of Kentucky.

Whereas, on June 14, 1930, Winferd Hoover was killed by Hoyt Lamb on Elkhorn Creek, about half a mile below the Forks of Elkhorn in Franklin County, Kentucky, while the said Lamb was acting as Deputy Game Warden, and

Whereas, it is claimed by the estate of Winferd Hoover that the death of Winferd Hoover resulted from an injury inflicted by the negligence and wrongful act upon the part of Hoyt Lamb, who was acting as Deputy Game Warden and an agent of the Commonwealth, and

Whereas, if such injuries sustained by Winferd Hoover and resulting in his death were sustained through the negligence or wrongful act of the Commonwealth of Kentucky, or its Deputy Game Warden, or agent, Hoyt Lamb, a reasonable damage should be paid to the estate of Winifred Hoover by the Commonwealth of Kentucky:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the personal representative of Winferd Hoover be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky in the Franklin Circuit Court for such damages as may have been suffered and sustained by said estate, if any, by reason of the injuries and death caused by the negligence or wrongful act of the Commonwealth of Kentucky, or its Deputy Game Warden, or agents, servants and employees, and in the event any judgment is recovered by the said personal representative in said suit, same shall be paid by the Treasurer of the Commonwealth of Kentucky on a warrant issued by the Auditor, and both the said personal representative of the estate of Winferd Hoover and the Commonwealth of Kentucky shall have the right to appeal said case.

To Committee on Claims.

By Mr. Bowen:

H. Res. 19. Joint resolution authorizing Joe Sparrow to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky or either.

Said resolution is as follows, viz.:

Resolution authorizing Joe Sparrow to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky or either.

Whereas, the State Highway Commission of Kentucky

during the years of 1932 and 1933 constructed a public highway on Project No. 20 in Anderson County, Kentucky, and

Whereas, the grade and drain of said road was constructed by the Phelps Construction Company, contractors, acting pursuant to their contract with the said State Highway Commission of Kentucky, and

Whereas, said road runs over and through the lands of Joe Sparrow on Salt River near the village of Glensboro in Anderson County, Kentucky, and said grade and drain was so constructed and has since been maintained by the said State Highway Commission of Kentucky, through its agents and employees, as not to have a sufficient amount of openings in the levee thereby causing the water in creeks and branches flowing into said river to be diverted and to accumulate and stagnate on the north side of the levee on the lands of the said Joe Sparrow around his dwelling house and outbuildings, thereby diminishing the value of said buildings and causing a large part of his farm to be unfit for cultivation, and

Whereas, said water concentrates in small openings in the levee with such force and the drainage is otherwise so constructed that the natural course of said water is changed and can not pass through the levee without injury to the lands of the said Joe Sparrow on the South side of said levee, and

Whereas, the said Joe Sparrow alleges and claims that his lands have been greatly injured and damaged by the negligent and careless construction and maintenance of said road and that said damage and injuries to his lands were caused entirely by the negligence and carelessness of said State Highway Commission of Kentucky, its agents and employees:

Now, Therefore, to determine by judicial action the liability of the State Highway Commission of Kentucky and the Commonwealth of Kentucky for the alleged damage and injury aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Joe Sparrow, of Lawrenceburg, Anderson County, Kentucky, be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, or either, in the Anderson Circuit Court for such damage as he may have sustained, if any, by reason of any injury or damage to his lands caused by the negligence or carelessness of the State Highway Commission of Kentucky, its agents or employees, and in the event judgment is obtained by the said Sparrow in said suit for damage to his lands, same shall be paid by the Auditor of Public Accounts by warrant on the Treasurer, or as other obligations of the said State Highway Commission of Kentucky are paid: Provided, however, that the amount of recovery by the said Joe Sparrow in said suit shall not exceed \$4,500.

Either party to said suit may appeal from any judgment which may be rendered in the Anderson Circuit Court to the Court of Appeals, and the case may be settled and adjusted with the consent of the Attorney General of Kentucky in the same way as any other civil case.

To Committee on Claims.

By Mr. Cook:

H. Res. 20. Resolution authorizing Carl Wright, Administrator of the estate of Otis Wright to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Resolution authorizing Carl Wright, administrator of the estate of Otis Wilson Wright, deceased, to sue the Commonwealth of Kentucky, the State Highway Commission and the County of Carroll, or any one or more of them.

Whereas, on the 21st day of February, 1933, Otis Wilson Wright of Bedford, Trimble County, Kentucky, was killed while driving a truck over a bridge on the Milton-Carrollton road in Carroll County, Kentucky;

Whereas, said road had been taken over by the State Highway Commission of the State of Kentucky and specifications had been made at that time by the agents and employees of said State Highway Commission for the construction of a road along said route, and that said road and bridge was under the control of the State Highway Commission of the Commonwealth of Kentucky; that while the truck driven by the said Otis Wilson Wright, now deceased, was going over said bridge on the road on the Milton-Carrollton road said bridge collapsed precipitating said Otis Wilson Wright into a stream of water, and said deceased thereby lost his life;

Whereas, Carl Wright is the father of said Otis Wilson Wright, who was of the age of years at the time of his death, that said Carl Wright, has duly qualified as the personal representative of the estate of Otis Wilson Wright in the Trimble County Court, where he, Otis Wilson Wright, resided during his lifetime:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Carl Wright, administrator of the estate of Otis Wilson Wright, deceased, be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky, the State Highway Commission and Carroll County, or any one or more of them, in the Circuit Court of Carroll County, Kentucky, for such damages as he suffered by reason of the death of said Otis Wilson Wright through the carelessness or negligence of the State Highway Commission, its agents or employees or through the carelessness or negligence of Carroll County, its agents or employees. Said suit shall be for any amount not exceeding the sum of Ten Thousand Dollars (\$10,000.00), and in the event any judgment is recovered by said Carl Wright, administrator, in said suit for the death of said Otis Wilson Wright, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the

general fund, or paid by the County of Carroll by order of the Fiscal Court drawn on the county Treasurer of said County.

Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil suit.

To Committee on Claims.

By Mr. Myers:

H. Res. 21. Joint Resolution creating Legislative Committees to investigate and inspect properties of the Commonwealth of Kentucky, and provide for the payment of expenses of said Committee, and declaring an emergency to exist.

Said resolution is as follows, viz.:

JOINT RESOLUTION

Whereas, no legislative investigation or inspection of the properties of the Commonwealth of Kentucky has been made for several years and whereas it is the duty of the General Assembly of the Commonwealth to investigate, inspect and know the physical condition of said properties and,

Whereas the General Assembly will at its special session take up for consideration the rehabilitation of the State Institutions and desires to be in possession of all the facts concerning the physical condition and the management of such institutions and other State properties, and

WHEREAS the Governor of the Commonwealth desires that such inspection and investigation be made prior to the consideration of the rehabilitation of such institutions: Now, Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a committee of the General Assembly on the investigation and inspection of the properties of the Commonwealth of Kentucky and said Committee shall be composed of ten (10) members, six (6) from the House of Representatives and four (4) from the Senate, and the Speaker of the House shall appoint the six (6) members of the House of Representatives and the President of the Senate shall appoint the four (4) members of the Senate; immediately upon said appointments being made in the House and in the Senate, said Committee shall meet and organize by electing one of its members Chairman and one Secretary. After the organization of the Committee, said Committee shall arrange its visits to said properties as soon as practicable and on such dates as shall be determined by the Committee, and the Secretary of said Committee shall notify the person or persons in charge of said properties of the day or days that said Committee will visit said property and inspect the same.

For the purpose of making said inspection and investigation said Committee is hereby empowered and authorized, when in the judgment of the Committee it is deemed advisable, to summons to appear before it any persons to testify before it concerning the nature, condition or management of said property, and is hereby authorized to administer to such persons the proper oath and to proceed and question such persons and to command them to bring before it any records in their possession relating or pertaining to the operation of said properties. Said committee is further vested with power to punish for contempt any person refusing to obey said summons, or answering the summons to refuse to answer any questions relevant to the matter in hand, propounded to them.

Whenever such testimony is taken such Committee shall be empowered to employ a stenographer to take such hearings and to transcribe them for the use of the Committee and of the General Assembly.

All Peace Officers of the Commonwealth of Kentucky shall obey the orders of said Committee and serve any and all papers that may come into their hands and make due return thereof to the Chairman of the Committee and for such services shall be paid the fees provided by law for the serving of such process. Such fees due to any officer shall be certified by the Chairman of said Committee to the Auditor of Public Accounts for payment in the manner prescribed by law for the payment of claims against the Commonwealth of Kentucky.

All expenses of said Committee, including transportation and hotel expenses when said Committee, is absent from Frankfort, Kentucky, shall be paid by the Commonwealth of Kentucky; and in the event said Committee shall not complete its duties before the adjournment of the regular session, said Committee is hereby authorized to continue its work, and in addition to the expenses heretofore provided for, shall be allowed the regular per diem allowed them for legislative services, such expenses and the per diem entitled to be received by the Committee shall be certified by the Chairman of the Committee to the Auditor of Public Accounts who shall authorize the payment of same in the same manner as now prescribed by law for the payment of claims against the Commonwealth of Kentucky. For the purpose of paying expenses and per diem, if any, there is hereby appropriated from the general fund of the Commonwealth the sum of Five Thousand (\$5,000.00) Dollars, but any unexpended part thereof upon the dissolution of said Committee shall revert to and become part of the general fund.

The report of said Committee being necessary for the report of the General Assembly of the rehabilitation of the State Institutions in order that the General Assembly may have the facts concerning the conditions and management of such institutions when it considers such matters in a special session of the General Assembly called for such purposes and it being necessary that said Committee begin to perform its

duties as soon as possible in order to have its report ready, an emergency is declared to exist and this resolution shall become effective upon its adoption by the General Assembly and approval by the Governor.

To Committee on Kentucky Statutes No. 1.

By Mr. O. C. Jones:

H. Res. 22. Resolution for the relief of R. G. Holbrook, sheriff of Owen County, Kentucky, for mileage and expenses incurred by him as agent for the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Resolution for the relief of R. G. Holbrook, sheriff of Owen County, Kentucky, for mileage and expenses incurred by him as agent for the Commonwealth of Kentucky.

Whereas, R. G. Holbrook on March 16, 1934, was duly appointed by the Governor of the Commonwealth of Kentucky as agent of the Commonwealth to go to Greenville, North Carolina, to present requisition papers of this Commonwealth to the Governor of North Carolina and to bring back William Orville Reed, a fugitive from the justice of this State, under indictment for felony in Owen County, Kentucky; and

Whereas, said R. G. Holbrook, under said appointment, proceeded to the State of North Carolina and to the city of Greenville to bring back said fugitive but found on arrival there that said fugitive had escaped and that his whereabouts were unknown, although he enlisted the aid of North Carolina officers and made a thorough search for said fugitive, and was compelled to return to Kentucky without him; and

Whereas, the said R. G. Holbrook, in performing his said duty as agent aforesaid, incurred expenses and traveled 1426 miles to and from North Carolina and paid a fee to the Governor of North Carolina for honoring said requisition,

amounting in all to the sum of One Hundred and Two Dollars and Fifty-six Cents (\$102.56); and

Whereas, said R. G. Holbrook has heretofore made demand of the Auditor of Public Accounts for payment of his said expenses and that said Auditor has refused to pay him, it appearing that under Section 1934 of the Kentucky Statutes, as construed by the Kentucky Court of Appeals, that payment can not be made where the agent of the Commonwealth returns without his prisoner: Therefore,

Be it Resolved by the Senate and House of Representatives:

That the said amount of One Hundred and Two Dollars and Fifty-Six Cents (\$102.56) be and is hereby appropriated to be paid to the said R. G. Holbrook, and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for said amount and deliver the same to R. G. Holbrook for the purpose aforesaid.

To Committee on Kentucky Statutes No. 1.

The Speaker announced that he had referred a bill heretofore introduced, as follows, viz.:

H. B. 52. To Committee on Kentucky Statutes No. 1.

A message was received from the Senate announcing that they had passed a bill which originated in that body entitled:

S. B. 3. An Act relating to primary elections.

Ordered that said bill be printed and referred to Committee on Suffrage and Elections.

The Committees to which the same had been previously referred, reported bills of the following titles, viz.:

By Dr. Shields of the Committee on Kentucky Statutes No. 1:

H. B. 55. An Act authorizing, empowering and directing the Governor to cause to be made an audit, study and survey of Departments, Institutions, Boards, Commissions and Agencies of the Commonwealth; etc.

H. B. 45. An Act repealing Chapter 19 of the Acts of the Extraordinary Session of the General Assembly of 1934 pertaining to passenger automobiles and providing for registration fees of such motor vehicles and amending and re-enacting same and declaring an emergency to exist.

H. B. 18. An Act for the purpose of notifying the Commonwealth's Attorney of persons discharged from the Penitentiary.

With the expression of opinion that said bills ought to pass.

Said bills were severally read at length the first time and ordered to be placed in the Calendar.

The House took up for consideration from the Calendar, bills and resolution of the following titles, viz.:

H. B. 1. An Act relating to primary elections, with a Committee Amendment thereto.

H. B. 71. An Act relating to suffrage and elections, providing a method of registering voters in this Commonwealth residing outside of the city limits of cities of the 1st, 2nd, 3rd, 4th classes, etc.

H. Res. 9. Resolution providing for a contingent fund for the Clerk of the House and Clerk of the Senate.

Ordered that said bills and resolution be read the second time.

The Constitutional provision as to the second reading of said bills and resolution at length being dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolution be placed in the Orders of the Day.

Dr. Shields moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Davis moved that the House do now recess until three-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

AFTERNOON SESSION

The hour of three-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

A message was received from the Senate announcing that they had passed a bill originated in this House entitled:

H. B. 2. An Act repealing Chapter 25 of the Acts of the Extraordinary Session of the General Assembly of 1934 known as the "Gross Receipts Tax Law of 1934" and declaring an emergency.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Hammons moved that Miss Dolores Carter be appointed Honorary Page of this session.

Said motion was agreed to.

Mr. Myers moved that the privilege of the floor be extended to Mr. Harry Ennis.

Said motion was agreed to.

Mr. Fitzpatrick moved that the privilege of the floor be extended to Mr. Richard Northcutt.

Said motion was agreed to.

By unanimous consent the following bills were introduced, ordered printed and referred as follows:

By Mr. Grogan:

H. B. 143. An Act to add to the primary system of public roads, a road beginning at Mayfield, in Graves County, Kentucky, thence via the old Backusburg road to Backusburg, in Calloway County, thence via Kirksey, Almo, and Shiloh, thence to the most direct point on the Murray-Eggner's Ferry Road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of the State Highways of the Commonwealth of Kentucky, a road beginning at Mayfield, in Graves County, Kentucky, thence via the old Backusburg road to Backusburg, in Calloway County, thence via Kirksey, Almo, and Shiloh, thence to the most direct point on the Murray-Eggner's Ferry Road.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways, the same as though said road had been named in said original Act as one of the projects of said primary system of highways.

To Committee on Roads and Highways No. 2.

By Mr. Tapp:

H. B. 144. An Act to amend Section 2740, Kentucky Statutes, Carroll's Official 1934 Supplement to the Official 1930 Edition. Also being Section (1) of Chapter 34 of the Acts of 1934 relating to classification of Cities and towns of the State, by adding the City of Nortonville, Hopkins County, to the Cities of the Fifth Class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2740, Kentucky Statutes, Carroll's official 1930 Edition as amended by Chapter 108 of the Acts of 1930, and Chapter 107 of the Acts of 1932 and Chapter 89 of the Acts of 1934, of the General Assembly of Kentucky, be, and the same is hereby, amended and re-enacted by adding to the names of municipalities of the fifth class immediately following the words "Salyersville, Magoffin County," the words "Nortonville, Hopkins County," so that when so amended and re-enacted said section shall read as follows:

First Class. Louisville, Jefferson County.

Second Class. Lexington, Fayette County; Covington. Kenton County; Newport, Campbell County; Paducah, McCracken County; Ashland, Boyd County.

Third Class. Owensboro, Daviess County; Henderson,

Henderson County; Frankfort, Franklin County; Bowling Green, Warren County; Middlesboro, Bell County; Hopkinsville, Christian County; Maysville, Mason County; Corbin, Whitley County and Knox County.

Fourth Class. Shelbyville, Shelby County; Richmond, Madison County; Winchester, Clark County; Dayton, Campbell County; Paris, Bourbon County; Catlettsburg, Boyd County; Danville, Boyle County; Mt. Sterling, Montgomery County; Georgetown, Scott County; Versailles, Woodford County; Harrodsburg, Mercer County; Bellevue, Campbell County; Cynthiana, Harrison County; Mayfield, Graves County; Lebanon, Marion County; Ludlow, Kenton County; Nicholasville, Jessamine County; Pineville, Bell County; Madisonville, Hopkins County; Princeton, Caldwell County; Fulton, Fulton County; Lawrenceburg, Anderson County; Russellville, Logan County; Carrollton, Carroll County; Central City, Muhlenberg County; Franklin, Simpson County; Barbourville, Knox County; Providence, Webster County; Morganfield, Union County; Pikeville, Pike County; Somerset, Pulaski County; Murray, Calloway County; Jackson, Breathitt County; Elizabethtown, Hardin County; Hazard, Perry County; Hickman, Fulton County; Scottsville, Allen County; Earlington, Hopkins County; Olive Hill, Carter County; Irvine, Estill County; Marion, Crittenden County; Clifton, Campbell County; Fort Thomas, Campbell County; Russell, Greenup County; Harlan, Harlan County; Paintsville, Johnson County; Sturgis, Union County; Prestonsburg, Floyd County; Greenville, Muhlenberg County.

Fifth Class. Lancaster, Garrard County; Cadiz, Trigg County; Grand River, Livingston County; Columbus, Hickman County; Glasgow, Barren County; Cloverport, Breckinridge County; Bardstown, Nelson County; Augusta, Bracken County; Stanford, Lincoln County; Williamsburg, Whitley County; Clinton, Hickman County; Midway, Woodford County; Flemingsburg, Fleming County; Vanceburg, Lewis County; Elkton, Todd County; Falmouth, Pendleton County; Car-

lisle, Nicholas County; Uniontown, Union County; Campbells-ville, Taylor County; Hawesville, Hancock County; Eminence, Henry County; Eddyville, Lyon County; Leitchfield, Grayson County; Owingsville, Bath County; Sebree, Webster County; Clay, Webster County; Wickliffe, Ballard County; Morehead, Rowan County; Bardwell, Carlisle County; Dawson Springs, Hopkins County; Millersburg, Bourbon County; Calhoun, McLean County; Springfield, Washington County; Corydon, Henderson County; Hartford, Ohio County; Morton's Gap, Hopkins County; Livermore, McLean County; Beattyville, Lee County; Owenton, Owen County; Burnside, Pulaski County; Warsaw, Gallatin County; Monticello, Wayne County; Berea, Madison County; LaGrange, Oldham County; Guthrie, Todd County; Hustonville, Lincoln County; Drakesboro, Muhlenberg County; Tompkinsville, Monroe County; Hellier, Pike County; Perryville, Boyle County; Wilmore, Jessamine County; Greenup, Greenup County; Horse Cave, Hart County; Brooksville, Bracken County; Whitesburg, Letcher County; Columbia, Adair County; Elkhorn City, Pike County; Manchester, Clay County; Beaver Dam, Ohio County; Ravenna, Estill County; Louisa, Lawrence County; Burkesville, Cumberland County; London, Laurel County; Cumberland, Harlan County; Grayson, Carter County; Neon, Letcher County; Raceland, Greenup County; Williamstown, Grant County; Salyersville, Magoffin County; Nortonville, Hopkins County.

§ 2. Whereas, it is necessary for the assigned city mentioned herein to make its tax levy for this year under the charter of the town to which it has been assigned, an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage, and approval by the Governor.

All acts, or parts of acts, in conflict herewith are hereby repealed.

To Committee on Classification of Cities.

By Mr. Grogan:

H. B. 145. An Act to add to the primary system of public roads, a road leading from Coldwater, in Calloway County, via Backusburg, thence northwardly to connect with the Mayfield-Eggner's Ferry road near Brewers in Marshall County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of State Highways, a road beginning at Coldwater, in Calloway County, via Backusburg, thence northwardly to connect with the Mayfield-Eggner's Ferry road near Brewers in Marshall County.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways, the same as though said road had been named in said original Act as one of the projects of said primary system of highways.

To Committee on Roads and Highways No. 2.

By Mr. Farnsley:

H. B. 146. An Act to amend and re-enact subsections five (5) and nine (9) of Section 1083a of Carroll's Kentucky Statutes, relating to the administration of justice in courts of justices of the peace in counties having a population in excess of two hundred and fifty thousand (250,000) by providing for the issuance of certain processes, notices, subpoenae and releases and the attestation of copies of matter of record by the recorders for the said courts; for the payment of the salaries provided by law for the offices of

constable in said counties, requiring the performance of certain additional duties by constables and deputy constables in the said counties including the making of certain reports; providing for the execution of the processes of the courts of justices of the peace in the said counties and fixing the duties of constables and deputy constables relative thereto; and whereas, in the said counties intensive industrial and commercial development and consequent density of population have combined to produce definitely changed conditions of life by reason of which demands upon constables and deputy constables therein are continuous, voluminous and exacting, and by reason of which it is necessary to an efficient administration of justice in courts of justices of the peace in the said counties that the constables and deputy constables therein devote the greater part of their time to the execution of the processes of the said courts and there is not the same need to act as peace officers because of provision made otherwise by law for other peace officers in such counties: Now, Therefore,

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection five (5) of Section 1083a of Carroll's Kentucky Statutes is amended by adding to the said subsection the following:

“To certify by attestation the accuracy of copies of pleadings, orders, judgments, proceedings and other matters of record in the court in which the recorders are employed; to issue releases for wages held under garnishment after the allowance of pleas of exemption; to issue all processes, notices and subpoenae which a justice of the peace has power to issue except warrants of arrest, search warrants, commitments, orders of arrest, distress warrants, orders of delivery of personal property, executions, processes or orders for the release or discharge of any person from custody of confinement, or

for the release or discharge of any property under the control or in the possession of the court or any officer except as hereinabove provided, and in addition to the exceptions herein enumerated no recorder or deputy recorder shall admit any person to bail or take any bail or other bond in any criminal or civil action or proceeding," so that when so amended and re-enacted the said subsection five (5) shall read as follows:

It shall be the duty of each recorder, after executing bond as required in Section four (4) (K. S. Section 1083a-4) hereof, to receive for the county the correct amounts of money which, under the provisions of this act become a part of the general fund of the county. Each recorder shall keep such records, in the manner and form as prescribed by the fiscal court as will enable the recorder, and the fiscal court, to ascertain from time to time the correct amounts of money received, or due and not received, for the general fund of the county. Each recorder, and each deputy recorder, shall perform such clerical services, under the direction of the justice of the peace, as will assist and enable said justice to promptly dispatch litigation, and such clerical services as will assist and enable the justice to accurately keep such records thereof as are required by law. Recorders and deputy recorders shall have the power to administer oaths; to certify by attestation the accuracy of copies of pleadings, orders, judgments, proceedings and other matters of record in the court in which the recorders are employed; to issue releases for wages held under garnishment after the allowance of pleas of exemption; to issue all processes, notices and subpoenae which a justice of the peace has power to issue except warrants of arrest, search warrants, commitments, orders of arrest, distress warrants, orders for the delivery of personal property, executions, processes or orders for the release or discharge of any person from custody or confinement, or for the release or discharge of any property under the control or in the possession of the court or any officer except as hereinabove provided, and

in addition to the exceptions herein enumerated no recorder or deputy recorder shall admit any person to bail or take any bail or other bond in any criminal or civil action or proceeding.

§ 2. That subsection nine (9) of Section 1083a of Carroll's Kentucky Statutes is amended by striking from the eighteenth line thereof the words "constable or," which words now appear in the proviso of the said subsection immediately following the words "provided, however, that in no event shall any," and immediately preceding the words "deputy constable for any month," and by striking from the twentieth and twenty-first lines thereof the words "constable or," which words now appear in the proviso of the said subsection immediately following the words "deputy constable, pursuant to section (2)" and by adding to the said subsection the following:

"The constables elected in the counties in which this act is effective shall, in addition to the duties otherwise required of them by law, promptly attend the sessions of the justices' courts held in their respective districts, act as bailiffs of the said courts, preserve order in and near the court rooms, and perform such other services incident to the speedy and orderly administration of the court's business as may be required by the justice of the peace, and shall execute or cause the timely execution of, and shall supervise and expedite the execution of the processes and orders of the justices' courts of their respective districts, in particular, and of all the justices' courts of the county in general.

On or before the tenth day of each calendar month each constable shall report to the justice of the peace of the same district relative to the performance of the duties of office by himself and his deputies during the next preceding calendar month. Each monthly report shall contain, under the heading of court attendance, a statement showing the dates of the sessions of court attended by the constable and the number of hours he was in attendance upon each date. Each monthly

report shall also contain, under the heading of civil matters, a statement showing the total number of each kind of civil processes and orders received, the total number of each returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of criminal matters, a list of the names and addresses of all persons for whom warrants of arrest have been obtained by the constable and his deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and delivered to the constable and his deputies for execution, noting, the name and address of the person obtaining each warrant, the name of the officer executing it, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the constable and his deputies without warrant, noting the name of the officer making the arrest and the cause of the arrest; a list of all the places for which search warrants have been obtained by the constable and his deputies, noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of other matters, a brief but adequate report upon all other acts of the constable and his deputies performed under authority, or under color of authority, of office. Each monthly report shall be subscribed and sworn to by the constable and such parts thereof as pertain to the acts of his deputies beyond his presence shall be deemed to be sworn to upon information and belief. Each said report shall be entered as a matter of record upon the records of his court by the justice of the peace, who shall cause attested copies thereof to be promptly delivered to the

county judge, the county attorney, and the attorney for the Commonwealth.

All Acts and parts of Acts in conflict herewith are, to the extent of such conflict, hereby repealed'', so that when so amended and re-enacted the said subsection nine (9) of Section 1083a shall read as follows:

Each person hereafter elected or appointed and thereafter holding the office of constable in any of said districts shall be exclusively compensated for the performance of the duties of his office by salary in the sum of twenty-four hundred (\$2,400.00) dollars per annum, which shall be paid in equal monthly installments out of the general fund of the county, and each deputy constable similarly appointed and thereafter holding the office of deputy constable, shall be similarly exclusively compensated for the performance of the duties of his office by salary in the sum of fifteen hundred (\$1,500.00) dollars per annum, which shall be paid in equal monthly installments, provided, however, that in no event shall the amount paid to any deputy constable for any month exceed the amount paid into the general fund of said county by the said deputy constable, pursuant to Section (2) (K. S. Section 1083a-2) hereof, during the preceding month.

The constables elected in the counties in which this act is effective shall, in addition to the duties otherwise required of them by law, promptly attend the sessions of the justices' courts held in their respective districts, act as bailiffs of the said courts, preserve order in and near the court rooms, and perform such other services incident to the speedy and orderly administration of the court's business as may be required by the justice of the peace, and shall execute or cause the timely execution of, and shall supervise and expedite the execution of the processes and orders of the justices' courts of their respective districts in particular, and of all the justices' courts of the county in general.

On or before the tenth day of each calendar month each constable shall report to the justice of the peace of the same

district relative to the performance of the duties of office by himself and his deputies during the next preceding calendar month. Each monthly report shall contain, under the heading of court attendance, a statement showing the dates of the sessions of court attended by the constable and the number of hours he was in attendance upon each date. Each monthly report shall also contain, under the heading civil matters, a statement showing the total number of each kind of civil processes and orders received, the total number of each returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of criminal matters, a list of the names and addresses of all persons for whom warrants of arrest have been obtained by the constable and his deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and delivered to the constable and his deputies for execution, noting the name and address of the person obtaining each warrant, the name of the officer executing it, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the constable and his deputies without warrant, noting the name of the officer making the arrest and the cause of the arrest; a list of all the places for which search warrants have been obtained by the constable and his deputies, noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of other matters, a brief but adequate report upon all other acts of the constable and his deputies performed under authority, or under color of authority, of office. Each monthly report shall be subscribed

and sworn to by the constable and such parts thereof as pertain to the acts of his deputies beyond his presence shall be deemed to be sworn to upon information and belief. Each said report shall be entered as a matter of record upon the records of his court by the justice of the peace, who shall cause attested copies thereof to be promptly delivered to the county judge, the county attorney, and the attorney for the Commonwealth.

The provisions of this Act shall be retroactive and shall apply to the present official term of all constables and deputy constables in the said counties now holding office at the time of the passage and approval hereof.

Any constable who willfully fails and refuses to perform the duties hereinabove enumerated or who shall be guilty of misfeasance or nonfeasance in office, shall be dealt with and punished in accordance with the provisions of Section 3748 of Carroll's Kentucky Statutes, 1922.

All Acts and parts of Acts in conflict herewith are, to the extent of such conflict, hereby repealed.

To Committee on County and City Courts.

By Mr. Conway:

H. B. 147. An Act to amend Chapter 42, page 332, et seq., Acts of the General Assembly, Regular Session 1932, and which act is now Section 415b-6, Carroll's Kentucky Statutes, Supplement to 1933, and relating to Confederate Soldiers and their widows, and declaring an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 415b-6, Carroll's Kentucky Statutes, Supplement to 1933, which is as follows:

That any Confederate veteran who has been an actual

bona fide resident of this state, continuously since January 1, 1907, and who did actual military service in the Confederate Army from the date of his enlistment till the close of the war, or until he was honorably discharged as an officer or private soldier or sailor in the military and naval service of the Confederate States of America in the war of 1861 to 1865, or the widow of such officer or private soldier or sailor to whom she was married prior to January 1, 1890, and who was living with him as his lawful wife at the time of his death, and who has not remarried again since the death of her veteran husband shall be paid out of the state treasury the sum of twenty dollars (\$20.00), per month, upon proof of the fact according to forms and regulations prescribed by this Act and conditions therein: Provided that any officer or private soldier or sailor who was prevented from so serving until the close of the war or until he was honorably discharged by reasons of wounds or disease contracted in the line of duty, which rendered him unable to perform further military service, shall be entitled to the benefits of this act as though he had served until the close of the war or until he was honorably discharged; and provided further that any officer or private soldier or sailor who deserted or was dishonorably discharged shall not be entitled to the benefits of this act, unless he re-enlisted or returned to the service in the Confederate Army, and served until the close of the war or until he was honorably discharged, or was prevented from so serving by wounds received or disease contracted in line of duty, which rendered him unable to perform further military service, be amended by striking therefrom the following: "sum of thirty dollars" and inserting in lieu thereof the following: "Sum of fifty dollars," so that when said section is so amended, it will read as follows:

That any Confederate Veteran who has been an actual bona fide resident of this State continuously since January 1, 1907, and who did actual military service in the Confederate Army from the date of his enlistment till the close of the war

or until he was honorably discharged as an officer or private soldier or sailor in the military and naval service of the Confederate armies of America in the war of 1861 to 1865, or the widow of such officer or private soldier or sailor to whom she was married prior to January 1, 1890, and who was living with him as his lawful wife at the time of his death and who has not remarried again since the death of her veteran husband shall be paid out of the state treasury the sum of fifty dollars (\$50.00), per month upon proof of the fact according to forms and regulations prescribed by this act and conditions therein: Provided, that any officer or private soldier or sailor who was prevented from so serving until the close of the war or until he was honorably discharged by reason of wounds or disease contracted in line of duty, which rendered him unable to perform further military service shall be entitled to the benefits of this act as though he had served until the close of the war or until honorably discharged; and provided, further that any officer or private soldier or sailor who deserted or was dishonorably discharged shall not be entitled to the benefits of this act unless he be re-enlisted or returned to the service in the Confederate Army, and served until the close of the war or until he was honorably discharged or was prevented from so serving by wounds received or disease contracted in line of duty which rendered him unable to perform further military service.

§ 2. Whereas, there are many old Confederate soldiers and widows who at the present time are destitute and having nothing upon which to live, an emergency is hereby declared to exist and this act shall take effect immediately upon and after its passage.

To Committee on Veterans' Legislation

By C. W. Anderson, Jr.:

H. B. 148. An Act to authorize an appropriation for use

by the Kentucky State Superintendent of Public Instruction to provide state aid for education in certain courses of study of state students in schools outside of the state for whom no such courses of study are provided in the educational institutions of the state and the conditions under which such state aid may be granted.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That pending the full development of the educational institutions of the Commonwealth of Kentucky, all bona fide residents of the state who are qualified for matriculation in courses of study offered at the University of Kentucky, but who, because of Section 187 of the Constitution of Kentucky, cannot pursue such courses at the University of Kentucky or other state institutions at which such courses are offered; shall have their annual tuition and fees paid by the Commonwealth of Kentucky.

§ 2. That such tuition and fees be ascertained by the State Superintendent of Public Instruction and paid upon requisition of the State Superintendent of Public Instruction out of funds not otherwise appropriated.

§ 3. That the State Board of Education shall prescribe the rules and regulations governing the granting of state aid under this act.

§ 4. Provided that the amount so appropriated hereunder shall not for any one year exceed the maximum sum of Five Thousand (\$5,000.00) Dollars, and not exceeding One Hundred and Seventy-Five (\$175.00) Dollars, per year for each student benefiting under this act for such purposes.

To Committee on Education No. 1.

By Mr. Farnsley:

H. B. 149. An Act to amend and re-enact Carroll's Kentucky Statutes, Section 2739j-42, being Article One of Chapter 104 of the Acts of 1932.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Carroll's Kentucky Statutes, Section 2739j-42, being Article One, Section One of Chapter 104 of the Acts of 1932, be amended and re-enacted so as to read as a whole as follows:

As used in this Act, unless the context otherwise requires:

(a) "Motor Vehicle" means any motor propelled vehicle other than (1) vehicles propelled by electric power obtained from overhead wires or (2) vehicles usually operated over or on rails, used for the transportation on public highways of this State of persons or property for hire, and shall include any such vehicle operated as a unit in combination with another vehicle used for any such purpose; (b) "Operator" means any person, firm, partnership, association, joint stock company, corporation, lessee, trustee, or receiver, appointed by any court whatsoever owning, controlling, operating or managing any motor vehicle used for the transportation of persons or property for hire; (c) "Common Carrier" means any operator of a motor vehicle for hire in common carriage; (d) "Contract Carrier" means any operator of a motor vehicle for hire other than a common carrier. "Contract Carrier" shall not be construed to mean or include any person, firm or corporation who transports only his own property, or who does not engage in the transportation business but makes occasional or casual trips to transport persons or the property of others for hire; (e) "Public Highway" means every public street, alley, road or highway in this State, whether within or without the corporate limits of any municipality; (f) "Certificate" means the certificate of public con-

venience and necessity authorized to be issued under the provisions of this Act; (g) "Permit" means the permit to operate authorized to be issued under the provisions of this Act; (h) "Commission" means the State Tax Commission of Kentucky.

By Mr. Mollette:

H. B. 150. An Act to define and regulate Itinerant Peddlers, to provide for the payment of charges, to prescribe punishment and penalties for a violation hereof, to provide for the administration and enforcement of this Act.

Said bill is as follows, viz.:

Whereas, the goods, products and commodities sold by itinerant peddlers are frequently of defective quality, or short weight, and are generally delivered on the markets without regard to the normal supply and demand; and,

Whereas, the farmers, miners and all industrial workers are dependent upon stable markets; and,

Whereas, the large and increasing number of itinerant peddlers in this State and from other states endanger and inconvenience the private automobilists and others for whom the highways are primarily intended, and do not pay their proper share of the costs of Kentucky's highways they use; and,

Whereas, for all of these reasons the present unregulated condition of this business is detrimental to the best interests of the consumer, the producer and the labor he employs:

Therefore, in the general public interest,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this act:

"Commission" shall mean the State Tax Commission of the State of Kentucky.

“Person” shall include individuals, partnerships, associations, corporations, and the receivers or assignees of any of them.

“Highway” shall include any public street, road or alley in this State whether within or without the corporate limits of any municipality.

“Itinerant Peddler” means any person who engages in the trade or business of transporting by motor vehicle upon the highways and of selling for himself or another, there or elsewhere, any property which he has not grown, raised or manufactured; provided, however, this Act shall not apply to, and the term “itinerant peddler” shall not include:

(a) Any person engaged in transporting and selling only farm, forest, garden or dairy products grown, produced or raised by him or on his farm or property; and any non-profit, cooperative association engaged in transporting and selling only farm, garden or dairy products belonging to the association or its members;

(b) Any person whose principal business is regularly and continuously conducted on or in premises owned or leased by him and who, as an incident of such business, transports and sells the commodities or property manufactured or dealt with in such business;

(c) Any person engaged in transporting and selling property if each vehicle used in such transportation carries a load weighing less than two thousand pounds;

(d) Any common or contract carrier by motor vehicle as defined and regulated by the laws of this State or of the United States; provided, however, the exemption made by this paragraph (d) shall not apply for the benefit of any such contract or common carrier by motor vehicle who buys or sells any property which he transports in such motor vehicle;

(e) Any person licensed and doing business as a transient merchant in accordance with provisions of the Act of March, 1916, Chapter 111, Acts of the General Assembly of

Kentucky of 1916 (Sections 4217b-1 to 4217b-10 inclusive, Carroll's Kentucky Statutes, 1930 Edition), or who shall hereafter be licensed and do business in accordance with the provisions of said act.

§ 2. On and after July 1, 1936, no itinerant peddler shall use the highways of this State without having obtained licenses and paid the charges for the use of the highways as provided in this Act.

§ 3. Any person desiring to obtain a license to engage in business as an itinerant peddler shall apply therefor in writing to the State Tax Commission on forms to be provided by that Commission in accordance with its rules and regulations, specifying:

(1) The full name and post-office address of the applicant;

(2) The principal business in which the applicant is engaged, how long he has been so engaged, to what extent, if any, his business as itinerant peddler will be conducted interstate, the kind of property to be sold within this state, the county or counties in which he proposes to operate as an itinerant peddler, the highways or routes to be used in the conduct of said business.

(3) A description of each motor or other vehicle to be used by the applicant in the conduct of his business, and, with respect to each such motor vehicle, the license number and the rated and actual capacity by weight.

(4) Such other information as the Commission may by regulation of general application require.

(5) If applicant is a non-resident of this state he shall designate in his application the Chairman of the Commission as his agent and attorney in fact to be served with all processes in all actions against him growing out of any act done by him, or his agent, while acting under the license herein prescribed.

§ 4. No license shall be granted by the Commission unless the application be accompanied by a filing fee of \$2.00

and by the bond or insurance policy prescribed by this Act and by the payment of the appropriate charges as hereinafter provided.

§ 5. Upon the receipt of any such application for an original license or for a renewal thereof, accompanied by the filing fee, the bonds, and the charges for which provision is hereinafter made, the commission shall issue to the applicant a license authorizing him to engage in the business of an itinerant peddler for a period expiring on December 31 of the year for which it is issued, and shall state therein the number and kind of vehicles which the applicant is authorized to operate, and the highways or routes over which such vehicle or vehicles may be operated, and shall at the same time issue one distinguishing plate and one certified copy of the license for each vehicle which the applicant is authorized to operate. Such distinguishing plate or plates and license or certified copy or copies thereof shall be used, shown and displayed as hereinafter provided.

§ 6. No license shall be issued upon any application until there has been filed with and approved by the Commission a good and sufficient indemnity bond or insurance policy issued by some surety or insurance company or other insurance carrier duly authorized to transact business as such within this state, which security shall provide by such terms, conditions and provisions as the commission may deem necessary, for the full payment of all judgments or agreed settlements for damages which may result within this state to any persons or property, other than those carried on any vehicle of such applicant, and resulting from the negligence or willfulness of such applicant, or his agents or employees, in the operation or use of any kind of vehicle in the conduct of his licensed business anywhere in this State. The amount of such security shall in no instance be less than ten thousand dollars for personal injury to or wrongful death of any one person, nor less than fifty thousand dollars for personal injuries to or wrongful death of more than one person resulting from the

same occurrence, nor less than five thousand dollars for damage to property accruing to any one person, all or any part of said amounts to be payable to the State of Kentucky for the benefit of any and all who may recover judgments or be otherwise entitled to payment on account of such negligence or willfulness. Said security shall be kept effective at all times during the period in which any action may be filed against a licensed itinerant dealer, or his agents, employees, heirs, successors or assigns. The Commission may require a new security to be substituted, or the amount thereof increased in any instances where it finds the public welfare so requires.

If any such bond or insurance policy shall be canceled, suspended or revoked, or otherwise become inoperative, all authority under the license issued pursuant to the filing of such securities shall cease and said license shall be suspended until new securities meeting the requirements of this section shall become effective and be filed with the Commission.

§ 7. All licenses shall expire on December 31 of the year for which they are issued; and renewals, to be applied for on forms furnished by the Commission and accompanied as in the case of the original application by a filing fee of two dollars, prescribed charge for the use of the highway, and necessary bonds shall be secured on or before January 2 of the ensuing year. Any license issued on or after July 1 of any year shall be issued at one-half of the annual charge for the class for which issued, but shall be accompanied by the full filing fee. Prior to the expiration of the license, the licensee may be authorized to operate in such business one or more vehicles in addition to those originally authorized upon payment of the prescribed charge on each such additional vehicle or vehicles.

§ 8. (a) The charges required by the foregoing section of this Act shall be based upon the manufacturer's rated capacity of the motor or other vehicles to be used by or for the licensee, or, if said vehicle is not so rated, upon the actual capacity by weight thereof. Charges shall be paid on each

vehicle to be used by or for the licensee in his business as itinerant peddler, and shall be graduated into classes as follows:

- Class A—For each vehicle with a capacity of $3\frac{1}{2}$ tons
or more\$80.
Class B—For each vehicle with a capacity of $2\frac{1}{2}$ tons
tons or more, but less than $3\frac{1}{2}$ tons.....\$60.
Class C—For each vehicle with a capacity of $1\frac{1}{2}$ tons
or more, but less than $2\frac{1}{2}$ tons\$40.

(b) In addition to the charges required under paragraph (a) of this section to be paid to the Commission, each itinerant peddler shall pay to the county clerk of each county of this state in or through which he operates an annual charge for the use of the highways of such county as follows: 50 per cent of the total amount required, under paragraph (a) of this section, to be paid to the Commission. Upon the payment of such charge each such county clerk shall issue a written receipt therefor, which shall constitute the itinerant peddler's authority to use the highways of such county for the calendar year for which the charges are paid.

Any itinerant peddler who confines his operations to one county of this state shall be required to pay one-half the charges prescribed in paragraph (a) and paragraph (b) of this section for the vehicle or vehicles he proposes to operate.

(c) Any itinerant peddler who files with the Commission an affidavit showing that he transports and sells property exclusively in interstate commerce, in lieu of the charges prescribed in paragraphs (a) and (b) of this section, may, at the time of the filing of his application for a license, file with the Commission a bond in the form and with the security to be approved by the Commission, and in the penal sum of \$250.00, conditioned upon his reporting to, and in the manner prescribed by the Commission, each interstate trip made by him within this State, and his paying to the Commission within five days after the completion of each such trip, of a charge

of one-tenth of the amount prescribed in paragraphs (a) and (b) of this section to be paid annually on the class or kind of vehicle operated by him. Any person who, after filing said affidavit and bond, shall fail to make any report or pay any charge required by this section shall be guilty of violation of this Act.

§ 9. Any itinerant peddler who shall transport in any vehicle operated under this act a load which weighs more than 125 per cent of the capacity on which the license fee has been paid, shall pay to the clerk of each county in which such excess load is transported an additional charge of \$5.00 for each such excess load.

§ 10. No vehicle shall be operated by any itinerant peddler unless there is fixed thereto and displayed thereon in the manner prescribed by the Commission a distinguishing plate issued therefor by the Commission. The license as an itinerant peddler or a certified copy thereof issued by the Commission shall at all times be carried on the person of the operator of any vehicle used in the business of an itinerant peddler, and shall be shown on demand by any officer mentioned in Section 14 hereof. Upon proof satisfactory to the Commission of the loss, mutilation or destruction of a license, certified copy thereof or a license plate, and the payment of a fee of \$1.00, the Commission shall issue a duplicate license, certified copy or license plate, as the case may be.

§ 11. No license shall be assigned or transferred, and no distinguishing plate shall, without the written consent of the Commission, be transferred from one vehicle to another or displayed on any vehicle other than the one for which it was issued.

§ 12. No driver shall operate a vehicle licensed under this act for more than eight hours continuously or for more than twelve hours in the aggregate in any period of twenty-four hours. The transportation of persons or property for hire in vehicles licensed under this act is prohibited.

§ 13. The Commission is authorized to employ such

clerical assistance as may be necessary to carry out and administer the provisions of this act, and to prescribe and provide such record books, blanks, forms, reports, receipts, distinguishing plates and licenses and any and all other supplies and equipment which may be reasonably necessary for the administration of this Act, and to pay any and all such expenses so incurred out of the fund collected under the provisions of this Act.

§ 14. Any peace officer, including sheriffs and their deputies, police officers and marshals of cities or incorporated towns, county police or patrol, highway patrolmen or other officers duly appointed by any agency of the Commonwealth of Kentucky for the enforcement of its laws relating to motor vehicles now existing or hereafter enacted, shall be authorized, and it shall be made the duty of each of them to enforce the provisions of this act and to make arrests for any violation or violations thereof, without warrant if the offense be committed in his presence, and with warrant or summons if he does not observe the commission of the offense. When in pursuit of an offender for any violation of this Act committed within his jurisdiction, any such officer may follow and effect an arrest beyond the limits of his jurisdiction. If the arrest be made without warrant, the accused may elect to be immediately taken before the nearest court having jurisdiction, whereupon it shall be the duty of the officer to so take him. If the accused elect not to be so taken, then it shall be the duty of the officer to require of the accused a bail bond in a sum not less than \$500.00, conditioned that the accused binds himself to appear in the court of jurisdiction at the time fixed in the bond not however in any case later than six days from the day of arrest. In case the arrested person fails to appear on the day fixed, the bond shall be forfeited in the manner as is provided for the forfeiture of bonds in other cases. No officer shall be permitted to take a cash bond. The officer making the arrest and taking the bond shall report

the same to the court having jurisdiction within eighteen hours after taking such bond.

§ 15. Quarterly courts and judges thereof, justices of the peace and police and city judges, shall have concurrent jurisdiction within circuit courts in the trial of all offenses under this Act, committed within their respective jurisdictions, and said courts, shall always be open for the trial of such offenses.

Upon the request of the Commission it shall be the duty of the Attorney General, of any Commonwealth's Attorney or County Attorney, to represent within his jurisdiction and without additional compensation, the Commission in any action or proceeding arising under the provisions of this act in which it may be a party.

§ 16. Any person who shall violate any of the provisions of this Act, or who shall knowingly make any false or erroneous statement or representation to the Commission with respect to any matter placed under its jurisdiction by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five dollars nor more than three hundred dollars, and each and every day that such violation shall continue shall constitute a separate and distinct offense, and upon any conviction after the first, the court may add imprisonment for not exceeding ten days, and the court or the Commission may suspend or revoke such person's license to do business under this Act.

§ 17. Nothing in this act shall be construed to prohibit or limit any city or municipality in this State, in the exercise of its authority, to tax, license or regulate any itinerant peddler engaged in such business within its corporate limits.

The obtaining of the license herein prescribed, and the payment of the prescribed fees, shall not relieve any person from compliance with any other law of this state. If any person transports or sells any property by or through another, such other person shall, for the purpose of this act be considered his agent.

§ 18. After the payment of all expenses incurred by the Commission in the performance of its duties under this act, all fees and penalties collected by the Commission shall be paid monthly to the State Highway Commission, and shall be used by it for the maintenance and construction of state highways.

§ 19. If for any reason any section, subsection, sentence, clause or phrase of this act shall be held unconstitutional or void for any reason, such decision shall not effect the validity of any other portion of this act.

It is hereby declared to be the legislative intent that this act would have been adopted had such void or ineffective section, subsection, sentence, clause or phrase not been included in this act.

Ordered that said bills and resolutions be referred.

By unanimous consent, the Committees to which the same had been previously referred, reported bills of the following titles, viz.:

By Mr. Dunlap of the Committee on Kentucky Statutes No. 1:

H. B. 11. An Act relating to the regulation of road houses, eating and drinking stands, and other places of public entertainment lying outside of the limits of incorporated towns and cities.

With Committee amendments thereto.

H. Res. 21. Joint Resolution creating Legislative Committee to investigate and inspect properties of the Commonwealth of Kentucky.

By Mr. Milam of the Committee on Circuit Courts;

H. B. 31. An Act amending so much of Section 965, Kentucky Statutes, Carroll's 1930 Edition, as relates to the 28th Judicial District.

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolution were severally read at length the first time and ordered to be placed on the Calendar.

Mr. Dickson of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, a bill of the following title, viz.:

H. B. 2. An Act repealing Chapter 25 of the Acts of the Extraordinary Session of the General Assembly of 1934 known as the "Gross Receipts Tax Law of 1934"; and declaring an emergency.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

After a time the Enrolling Clerk of this House delivered the original and enrolled copies of said bill duly signed by the President of the Senate into the possession of the Chief Clerk of the House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Dr. Shields moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 16, 1936.

The House was opened with prayer by the Reverend R. B. Kelly of the Church of the Nazarene of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

F. T. Allen	Howard G. Early	R. T. Kirkman
Henry H. Allen	Garland Embry	J. F. Ladd
C. W. Anderson, Jr.	Walter R. Fannin	Leslie Larrimore
H. T. Baker	Chas. P. Farnsley	Robert E. Lee
W. T. Baker	T. P. Fitzpatrick	M. T. McCarthy
G. M. Ballard	H. Myer Garner	T. B. McConnell
B. F. Bedford	G. W. Garrett	J. L. McDermott
Reuben J. Boling	James Garnett, Jr.	Lloyd MacDonald
Douglas Bolling	Ferd A. Gnau	W. F. McGary
Ollie J. Bowen	Eugene Gough	Elmer McGlothen
Wallace Brown	Ben Grogan	John Marshall
Dr. R. A. Byers	Jas. T. Hamilton	C. S. Matherly
Jas. C. Carter	C. L. Hammons	D. T. Matlack
Floyd Clark	W. L. Hampton, Jr.	Duke Mayfield
Roscoe Claxon	Thomas W. Hines	G. S. Milam
George S. Clay	Price Holbrook	W. H. Miller
J. A. Coleman	Clyde S. Howard	John B. Mollett
Roy Conway	Ira W. Hulette	W. E. Mull
Herbert Cook	John M. Hunnicut	Tyler Munford
Harry Davis	J. T. Jennings	Rodes K. Myers
Sam Dever	Ben W. Johnson	J. C. Nickell
Stanley S. Dickson	J. H. Jones	Russell O'Neill
George W. Dunlap	O. C. Jones	Mel Petry

A. W. Pfeiffer	Carl Schneider	R. Van Bever, Jr.
J. C. Ramey	Ray O. Shehan	S. J. Wagner
Hobart Rayburn	Dr. B. F. Shields	Joseph L. Wall
L. K. Rice	P. L. Sidebottom	Henry Ward
Wade H. Riley	Chester D. Silvers	L. R. Wells
Joe E. Robinson	Bruce Sloan	W. G. Williams
John C. Robinson	H. C. Steely	Charles Wylie
W. T. Rollo	Henry Stewart	Mr. Speaker
A. W. Ross	Dr. H. S. Swope	
Carl Scheben	W. R. Tapp	

Mr. Davis moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Matherly moved that the privilege of the floor be extended to the Rev. Ray Tomlin.

Said motion was agreed to.

Mr. Grogan moved that the privilege of the floor be extended to Messrs. R. H. Hood, M. O. Wrather, Raymond Hamlin, Burnett Waterfield of Calloway County.

Said motion was agreed to.

Mr. Carter moved that the privilege of the floor be extended to Messrs. C. C. Crabtree, Mayor Williams, S. T. Hagan, Trilby Webb, B. L. Bradshaw.

Said motion was agreed to.

Mr. McCarthy moved that the privilege of the floor be extended to Mr. George Winstead of Dixon, Kentucky.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows:

By Mr. Miller:

H. B. 151. An Act creating as part of the Primary Road System a road beginning at Noles' store on the Gainesville and Scottsville road in Allen County and extending to the Bowling Green and Glasgow road west of Hause.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby created as a part of the Primary Road System the following described road which is to be constructed, maintained and under the supervision of the State Highway Commission of the Commonwealth of Kentucky:

Beginning at Noles' store on the Gainesville-Scottsville road, in Allen County, thence to Smith's Grove in Warren County, by the way of Gainesville, crossing Barren River at the Old Salt Mill then by Finnie, intersecting in the Bowling Green-Glasgow road west of Hause.

To Committee on Roads and Highways No. 2.

By Mr. Wells:

H. B. 152. An Act to repeal Section 3629 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, relating to Marshals, their duties and powers and the collection of taxes in Cities of the fifth class and creating in lieu thereof a Police Department in Cities of the fifth class, vesting the appointing power of the chief of police, policemen, number, term of office, grades and compensation in the city council of Cities of the fifth class, and fixing their duties and qualifications and term of office and how elected.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section '3629 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed, amended and reenacted so that when reenacted it will read as follows:

The city council of cities of the Fifth class shall have power to appoint a police force, the number, grades, compensation and all regulations thereof to be provided by ordinance from time to time, whose term of office shall not exceed two years from the date of election, subject to removal for cause.

§ 2. No person shall be eligible as a policeman who is not at the time of his appointment a citizen of the United States and of the State of Kentucky, a resident of the city, at least twenty-one years of age, or who is not sober and of good moral character, or who has been convicted of a felony, or who cannot read and write the English language intelligibly.

§ 3. Every policeman shall take an oath faithfully to perform the duties of his office, and that he possesses the qualifications required in this Act.

§ 4. The chief of police and every policeman shall have the power to execute warrants of arrest, processes, subpoenas and attachments for witnesses, whether the same be directed to him or not. They and each of them shall have power to arrest as is prescribed by the general law for offenses against ordinances or municipal regulations of the city, and the same power of arrest for offenses against the Commonwealth of Kentucky that the sheriff has. Fees for any services under this section shall be the same as allowed by law to sheriffs and other officers for such services but the city council may by ordinance direct that said fees be paid into the city treasury when the chief of police and policemen are employed on a salary.

§ 5. The policemen under this Act shall have authority to make arrests anywhere in the county in which the city is located but shall not be required to police any territory outside of the city limits.

§ 6. Persons arrested for any bailable offense may be placed in the station house, county jail, or city jail, if necessary, for safe-keeping until taken before the police court for examination.

§ 7. The city council shall have power to appoint a chief of police, who shall hold his office for a term of not longer than two years, or until his successor is appointed and qualified, subject to the power of removal for good cause at any time by the city council.

§ 8. The chief of police shall be in command of the police force of the city. He shall attend all sessions of the city council, execute the orders thereof and preserve order thereat. He shall attend all sessions of the city court, or have one of the police officers there, who shall act as sheriff of said court and execute all processes, orders and judgments of said court and he shall be entitled to the same fees for like services and to the same remedies for collecting his fees as the sheriff is entitled to, except that where he is employed on a salary by the city council and it is prescribed by ordinance that he shall turn said fees over to the city treasurer he shall collect all fees due him and turn them over to the city treasury. The Chief of police shall have supervision of the city jail, if the city has one, and the chain gang. It shall be the duty of the chief of police or any policeman of the city of cause proceedings to be instituted against any person carrying on a business, or doing any act for which a license is required, without paying such license.

§ 9. The chief of police shall collect all taxes placed in his hands for collection by the city council, except license taxes and taxes paid by banks, trust companies, building associations and other corporations, which taxes shall be paid directly to the treasurer. He shall on the first Monday in

each month, pay to the treasurer all taxes and other funds of the city collected by him the preceding month. He shall upon payment of the money, file with the treasurer an affidavit stating that the money so paid is all the taxes or funds he has collected or received during said month. He shall upon receipt of any tax list give his receipt for same to the city clerk, and shall upon depositing with the city clerk the delinquent tax list, take his receipt therefor.

§ 10. The city council may appoint a city tax collector, who shall perform the duties pertaining to the collection of taxes as heretofore set out in this chapter, but who shall give bond in such sum as may be required by the city council before entering upon the discharge of his duties.

§ 11. The chief of police before entering upon the discharge of his duties shall execute bond, with good surety, in the sum of two thousand (\$2,000.00) dollars, and each policeman before he enters upon the discharge of his duties shall execute bond, with good surety, in the sum of one thousand (\$1,000.00) dollars, to be approved by the city council, to the Commonwealth of Kentucky for the benefit of whom it may concern, that he will faithfully discharge all the duties of his office and pay over all sums of money that may come into his hands to the person entitled thereto; and for any unlawful arrests or unnecessary or cruel treating or assault in making an arrest, he and his sureties shall be liable to the person so injured on said bond.

§ 12. All Acts or parts of acts in conflict herewith are hereby repealed, and if any provision of this act is held invalid, it shall not affect in any way the other provisions of the act, which shall remain in full force and effect.

By Mr. Wells:

H. B. 153. An Act creating the office of Stenographer to the County Attorney in counties containing cities of the third

class, prescribing the method of appointment and removal, salary and the method of payment of said salary.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all counties in this Commonwealth containing cities of the third class, there is hereby created the office of stenographer or clerk to the County Attorney. Said stenographer or clerk shall be appointed by the County Attorney for a term of four years, but may be removed at any time by the said County Attorney.

§ 2. Said stenographer shall receive a salary of not less than Six Hundred Dollars (\$600.00), nor more than Twelve Hundred Dollars (\$1,200.00) per annum, to be paid by the Fiscal Court in such county, and shall be payable out of the county levy in said county in equal monthly installments.

§ 3. That this Act shall be in force and effect immediately upon its passage and approval.

By Mr. Hines:

H. B. 154. An Act establishing as a part of the Primary System of State Highways a road leading from the Little Muddy Church on Highway No. 71 to the Carve Rock Church on the Morgantown and Russellville Highway, a distance of approximately 4½ miles, in Butler County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That a road leading from the Little Muddy Church on Highway No. 71, via the Paul Young, Charles Charleston and Virgil Whalin farms to the Carve Rock Church on the Morgantown and Russellville Highway, a distance of approxi-

mately 4½ miles, be and same is hereby established and designated as a part of the Primary System of State Highways of the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By same:

H. B. 155. An Act establishing as a part of the Primary System of State Highways a road leading from Highway No. 71 via Annis Ferry to Aberdeen and Cromwell road in Butler County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That a road leading from Highway No. 71 in Butler County via Annis Ferry to Aberdeen and Cromwell road on north side of Green River, Butler County, Kentucky, be and the same is hereby established and designated as a part of the Primary System of State Highways of the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Shields:

H. B. 156. An Act relating to the fiscal courts composed of County Judge and County Commissioners, repealing and re-enacting Section 1850, Kentucky Statutes, Carroll's 1930 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1850 of Kentucky Statutes, Carroll's Edition, 1930, be and the same is hereby repealed and re-

enacted, so that same, when thus re-enacted, shall read as follows, to wit:

All the provisions of this article governing fiscal courts composed of the judge of the county court and justices of the peace shall be applicable to and govern fiscal courts, composed of three commissioners and the judge of the county court, except that when the county judge is unable to call a special session, and it is necessary that one be called, then two commissioners may call the same, if, in their opinion, the necessity exists therefor. Any vacancy occurring in the office of commissioner shall be filled in the same manner as vacancies in the offices of justices of the peace are filled. And whenever there shall be a tie vote in said Board of Commissioners upon the question of the election of any officer or employee to be elected or employed by said Commissioners, and a deadlock shall result and said tie vote or deadlock shall continue for a period of not less than fifteen (15) days, it shall thereupon be and become the duty of the county judge to cause to be entered upon the minutes of the Board of Commissioners, an order reciting the facts as to said deadlock or tie vote, and the question upon which the same has occurred and exists, and thereupon unless an election is immediately had by said Board, it shall be and become the duty of the county judge to appoint such officer or employee and such appointee shall have all the qualifications required by law of such officer or employee, and shall hold his office for the full term provided by law, and until his successor is elected and qualified.

§ 2. Inasmuch as the Board of Commissioners consists of four members and tied votes and deadlocks will result, an emergency is hereby declared to exist and this act shall take effect from and after its approval by the Governor.

To Committee on Kentucky Statutes No. 1.

By Mr. Grogan:

H. B. 157. An Act to add to the primary system of public roads, a road beginning at or near Stella, in Calloway County, thence by the Galloway school, thence via Taylor Store to the Kentucky-Tennessee line.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of State Highways, a road beginning at or near Stella, in Calloway County, thence by the Calloway school, thence via Taylor Store to the Kentucky-Tennessee line.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways, the same as though said road had been named in said original Act as one of the projects of said primary system of highways.

To Committee on Roads and Highways No. 2.

By Mr. Davis:

H. B. 158. An Act to amend and re-enact Section 2219 of Kentucky Statutes, Carroll's 1930 Edition, and relating to contracts for greater than the legal rate of interest.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2219 of Kentucky Statutes, Carroll's 1930 Edition, be, and the same is hereby amended and re-enacted, so that said section when amended and re-enacted, shall read as follows:

All contracts and assurances made, directly or indirectly,

for the loan or forbearance of money, or other thing of value, at a greater rate than legal interest, shall constitute a forfeiture of the entire interest which the contract or assurance for the loan or forbearance of money, or other thing of value, carries with it, or which directly or indirectly has been agreed to be paid thereon. In case the greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover back, in an action in the nature of an action of debt, twice the amount of the interest thus paid from the person, firm or corporation taking or receiving same; but if the lender refuse before suit brought a tender of the principal, with legal interest, he shall pay the cost of any suit brought on such contract or assurance.

A court of equity may grant relief for any such excess of interest, and to that end compel the necessary discovery from the lender or forebearer.

Such excess of interest may be recovered from the lender or forebearer, although the payment thereof was made to the assignee.

Partial payment on a debt bearing interest shall be first applied to the extinguishment of the interest then due.

All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

By Mr. Garner:

H. B. 159. An Act to provide for the division of the Counties of this Commonwealth into subdistricts for school purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the territory of each county of this Commonwealth outside of the independent school districts as defined in Section 3, Article V of an Act approved March 14, 1934 (Section

4399-3, Kentucky Statutes, 1934 Supplement) shall be divided into subdistricts in each of which a school shall be maintained as provided in Section 2, Article V of that act (Section 4399-2, Kentucky Statutes, 1934 Supplement) and each school maintained in any of the counties of this Commonwealth shall be in a separate and distinct subdistrict, to have such boundaries and extent as the county Board of Education may determine, but no subdistrict shall be established or continue which contains fewer than fifty white children of school age.

By Mr. Fannin:

H. B. 160. An Act to amend and re-enact Chapter 65, Article V, Section 4, of the 1934 Kentucky Acts, pertaining to the merging of school districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 65, Article V, Section 4, of the 1934 Acts of the General Assembly, be amended and re-enacted and when so amended and re-enacted will read as follows:

Merger of school districts.—Boards of Education of any two or more contiguous school districts may by their concurrent action merge their districts into one district. In case of merger, the members of the boards of education of districts thus consolidated may serve out their terms for which they were elected and qualified.

The member or members of said board of school district merged shall have power to recommend all teachers in district from which they were elected, until their term of office expires.

In case of any merger of school districts, the resulting district shall take over all the assets and legal liabilities of the districts joining in the merger; provided that tax levies authorized for the payment of interest and the retirement of

bonds or the provision for sinking funds for such purposes shall continue to be levied and collected over the same area by or for the new board in accordance with the laws under which the levies were originally made until all bonded obligations of the old district or districts shall have been retired.

All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Whereas, the time for employing teachers for the coming year is near at hand; and,

Whereas, the enactment of this measure is necessary in the employment of such teachers, therefore an emergency is declared to exist and this act shall become effective immediately upon its passage and approval by the Governor.

By Mr. Joe Robinson:

H. B. 161. An Act to provide the Judges of the Court of Appeals and Commissioners with permanent offices and requiring the same to be provided with supplies and equipment and imposing the duty with reference thereto upon the Custodian of the Capitol and fixing penalty for his violating this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each Judge of the Court of Appeals and each Commissioner of the Court shall be assigned by the Custodian of the Capitol not less than two adjoining rooms on the second or third floor of the Capitol for the exclusive, permanent use of each Judge of the Court of Appeals and each Commissioner of the Court, and supply the same with adequate, proper and sufficient office furniture and equipment, including bookcases.

§ 2. The failure of the Custodian to comply with Section One hereof shall be deemed a misdemeanor, punishable

by a fine of not less than Ten Dollars and not more than Fifty Dollars for each day he fails or refuses to comply herewith.

All laws and parts of laws in conflict herewith are hereby repealed.

To Committee on Court of Appeals.

By Mr. Hammons:

H. B. 162. An Act to provide for the general welfare by establishing a system of Old Age Benefits; the method of securing same; those eligible to benefits; the amount of each person entitled; the method of administration; rules and regulations for the administration thereof; the board or department to administer same; the powers and duties of said board; giving to the State the right to receive funds from the government of the United States.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Department of Public Welfare, as now or may hereafter be constituted, shall have authority and power to administer this Act.

§ 2. All persons who have reached the age of sixty years, who have resided continuously in the Commonwealth of Kentucky for a period of one year, prior to the passage of this act, who have no visible means of support or property worth not more than \$800.00, shall be entitled to the benefits herein.

§ 3. The Commonwealth of Kentucky shall pay to all those entitled to the benefits herein, the sum of fifteen dollars (\$15.00) per month which may be supplemented by the Federal Government in a like sum; that the total thereof, shall not in any event exceed the sum of thirty dollars (\$30.00) per person.

§ 4. The Department of Public Welfare shall have authority to formulate such plans as may be necessary, not inconsistent with this act, such as, application blanks, setting up such information as may be necessary to determine whether said applicants are entitled to the benefits herein. All applications for benefits under this act shall be subscribed and sworn to by the applicant and approved by the County Judge and County Clerk of the County where the applicant resides.

§ 5. The Department of Public Welfare has power and authority to receive from the Treasury of the United States, any sum or sums set apart for the Commonwealth of Kentucky to carry out the provisions of this act and said sums shall be deposited with the Treasurer of the Commonwealth of Kentucky which shall be placed to a special account, known as old age pension fund, and nothing therein shall be paid out of said fund, except by order of the Department of Public Welfare, upon the auditor of the Commonwealth of Kentucky, and upon the auditor's warrant to the Treasurer of this Commonwealth.

§ 6. The Department of Public Welfare is authorized to employ such clerical help as may be necessary to facilitate the carrying out of the provisions of this act, but in no event shall the administration of this act be in excess of five per cent, which shall include everything necessary or incident to the administration of this law.

§ 7. The Department of Public Welfare shall have authority to certify to the Secretary of the Treasury of the United States the amount expended by this board for any prior quarter which should have been paid to the Commonwealth of Kentucky under the provision of the Social Securities Act, Chapter 4, Title 1, Sections 71, 72, 73, and 74, Acts of Congress, approved August 4, 1935.

§ 8. The Department of Public Welfare shall have authority to make such rules and regulations as may be necessary, the time of payment of the benefits of this act, whether it be monthly or quarterly.

§ 9. This act shall take effect as of April 30, 1936.

To Committee on Kentucky Statutes No. 1.

By Mr. Brown:

H. B. 163. An Act relating to the printing by State contract of any or all textbooks for the eight grades of the public schools of Kentucky; definition of terms used in Act; stating purposes of Act; defining certain powers and duties of the State Board of Education; prescribing certain duties of the State Textbook Commission and Board of Printing Commissioners under this Act; providing for approval of manuscript copy for such textbooks by a Manuscript Board or group of persons and defining duties of same, for purposes of this Act; distributing and such textbooks, produced under this Act to the public school children as now or may hereafter be provided by law; providing severable enactment of the sections and provisions of this Act; and repealing all laws or parts of laws in conflict herewith to extent of such conflict.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Definitions. The meaning and extent of certain terms used in this Act are defined as follows: "State Board of Education" shall mean the present Board, or any board or agency that may hereafter be created by law, having general State supervision or charge of the public schools of this State; "State Textbook Commission" means the commission or board now charged with the duty of selecting textbooks for the public schools of the State, or any commission, board or other agency that may hereafter be provided by law for a similar purpose; "Board of Printing Commissioners" shall mean the board or agency now or hereafter provided by law

to have charge of the contracting of public printing; "Manuscript Board" shall be the board or group of individuals provided in this Act for approval of manuscript copy to be used in the production of any and/or all textbooks under this Act.

§ 2. The purposes of this Act are declared to be the furnishing of textbooks to children in the eight grades of the public schools of this State and to reduce the cost of such books to the Commonwealth of Kentucky.

§ 3. The State Board of Education is authorized and empowered in its discretion to provide manuscript copy and have printed, bound, manufactured and/or produced any or all textbooks for use in any or all eight grades of the public schools of the State. Any such production or textbooks shall be done by contract through the Board of Printing Commissioners as other public printing is or may hereafter be contracted by law.

In the event the State Board of Education should decide to provide under this Act for production by contract of any textbook for use in any of the eight grades of the public schools of this State, said State Board of Education is authorized and empowered and it shall be the duty of said Board to provide manuscript copy for any such textbook by lease or rent, or by purchase, or to have same prepared; provided, however, the cost of such copy shall not exceed one thousand dollars for any one book and that all such manuscript copy shall first be approved by a majority of a board or group of persons, known for purposes of this Act as a "Manuscript Board", and composed of the State Superintendent of Public Instruction, who shall be a member and ex officio chairman of said Board and shall call all necessary meetings thereof, and the presidents of the University of Kentucky and of the several State Teachers Colleges of this State.

The State Board of Education shall notify the State Textbook Commission as soon as it decides to have any such books made, and shall furnish said Commission a list of the books or book to be produced as herein provided for any or

all of said eight grades of the public schools of the State, and upon any such notice any such textbook or books shall be excluded from the list to be adopted at any time by the said State Textbook Commission.

The State Board of Education shall furnish the manuscript copy for any such textbook to the Board of Printing Commissioners for contract letting as speedily as possible, and it shall then become the duty of the Board of Printing Commissioners to forthwith make arrangements for the letting to contract and manufacture of any and all such textbooks, for which manuscript copy may be furnished as herein provided, and for this purpose the Board of Printing Commissioners may meet in called session, after due notice to its members, and proceed to contract for the manufacture of any or all textbooks in the manner provided by law.

§ 4. It shall be the duty of the State Textbook Commission, Board of Printing Commissioners and other agencies herein mentioned to cooperate with the State Board of Education in promptly furnishing for distribution to school children as by law provided all textbooks arranged for and produced under this Act.

§ 5. The distribution of any and all textbooks made and furnished hereunder shall be made promptly to the public schools or school children as now or hereafter may be provided by law.

§ 6. It is the purpose of the General Assembly to, and the sections and provisions of this Act are hereby declared to be severable and separately enacted and are separate and independent of each of every other section or division thereof, and if any section or provision of this Act shall be held unconstitutional or invalid, no other section or provision shall be affected thereby.

§ 7. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

By Mr. Conway:

H. B. 164. An Act amending Chapter 64, Section 2, of the Acts of General Assembly, Regular Session 1932, and which is now Section 2251, Carroll's Kentucky Statutes, Supplement to 1933, and relating to Grand Juries; and declaring an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 64, Section 2, Acts of General Assembly, Regular Session 1932, and which is Section 2251, Carroll's Kentucky Statutes, Supplement to 1933, be amended and re-enacted so that when amended and re-enacted it shall read as follows:

§ 1. Any person serving as a Grand Juror in any county of this Commonwealth, shall be paid for such services at the rate of Three (\$3.00) Dollars per day. In all counties of this Commonwealth, having a population of less than Sixty (60,000) Thousand, based upon the Federal Census of 1930, the Grand Jury therein shall not remain in session longer than six (6) days at any regular term of Circuit Court, except as hereinafter provided. In all counties of this Commonwealth, having a population of more than Forty (40,000) Thousand, based upon the Federal Census of 1930, the Grand Jury therein shall not remain in session longer than twelve (12) days, at any regular term of Circuit Court, except as hereinafter provided. The Court may, in its discretion, if the business before the Grand Jury of any county requires it, extend the length of the session three days longer by an order showing the necessity for such extension entered on the order book of the court. The Court may in its discretion, in case of an emergency, call not more than three special sessions of the grand jury for not more than three days at a time. The court in calling a special session of the grand jury shall set forth in an order entered on the order book of the court the reason for calling a special session of the grand jury.

§ 2. This Act of Amendment shall not relate to counties having courts of continuous session.

§ 3. As it has developed within the last few years that grand juries of counties containing a population of more than 60,000 have found it impossible to transact all business coming before it within the six-day period, it is hereby declared that an emergency exists, and that this Act shall become effective upon its passage and approval by the Governor, or within ten days after passage if not approved by the Governor.

§ 4. All laws and parts of laws in conflict herewith are hereby repealed.

To Committee on Circuit Courts.

By Mr. Claxon:

H. B. 165. An Act to amend and re-enact section 1196, Carroll's Kentucky Statutes, providing for the punishment for stealing of dogs, cattle, goats, sheep, and hogs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1196, Carroll's Edition of the Kentucky Statutes, providing for the punishment for stealing hogs, cattle, goats, sheep, and dogs shall be amended and re-enacted, so that said section, when so amended and re-enacted, shall read as follows:

If any person shall steal a hog, cow, sheep, goat, or dog of the value of Two Dollars (\$2.00) or more, he shall be confined in the penitentiary not less than one (1) year nor more than five (5) years.

All laws or parts of laws in conflict herewith are hereby repealed.

By Mr. Reuben Boling:

H. B. 166. An Act making it unlawful for any person or persons to loaf or loiter in any Church or School building or upon the grounds for any purpose other than those authorized by the governing body of said Church or School, and providing for penalties for violation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to loaf or loiter in any church or school building or upon the grounds of said building for any other than religious, social, educational or civic purposes, as authorized by the governing body of said church or school.

§ 2. Any person who shall violate the provisions of this Act shall be fined not less than Five (\$5.00) Dollars, or more than Five Hundred (\$500.00) Dollars, within the discretion of the jury.

§ 3. All laws, or parts of laws, in conflict with this Act are hereby repealed to the extent of their conflict with the provisions of this Act.

By Mr. Myers:

H. B. 167. An Act to limit the length of trains, to provide for reports to the State Railway Commission, to prescribe penalties, to provide for enforcement by the State Railroad Commission, and to provide for repeal.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

DEFINITIONS

§ 1. When used in this Act and for the purposes of this Act—

The term “carrier” shall mean a common carrier by railroad, or partly by railroad and partly by water, and any receiver or any other individual or body, judicial or otherwise, when in possession of the business of carriers covered by this Act, excluding street, suburban, and interurban electric railways, unless operated as a part of the general railroad system of transportation.

The term “locomotive” means any self-propelled unit operated by any form of energy or power, whether produced thereon or furnished from any outside source, and adapted for use in moving cars upon rails, or for the transportation of passengers and/or freight or property.

The term “passenger train” means any train composed of one or more locomotives with cars constructed for the purpose of transporting passengers, mail, express, or a combination or combinations of any of the same.

The term “freight train” means any train composed of one or more locomotives with cars constructed for the purpose of transporting freight or other property not specifically referred to in the above definition of a passenger train.

The term “mixed train” means any train composed of one or more locomotives with, at one and the same time, cars of the type set forth under the definition of a passenger train above and cars of the type set forth under the definition of a freight train above.

§ 2. It shall be unlawful for any carrier to operate or permit to be operated over any line of railroad owned or operated by it any freight train more than one-half mile in length but in no event consisting of more than seventy cars, exclusive of caboose.

§ 3. It shall be unlawful for any carrier to operate or permit to be operated over any line of railroad owned or

operated by it any passenger train consisting of more than fourteen cars.

§ 4. It shall be unlawful for any carrier to operate or permit to be operated over any line of railroad owned or operated by it any mixed train more than one-half mile in length but in no event consisting of more than seventy cars in all, or of which more than fourteen are cars constructed for the purpose of transporting passengers, mail, express, or a combination or combinations of any of the same.

§ 5. In case of locomotive failure a carrier shall have the right to operate a train of greater car length than provided in this Act until such train arrives at the next terminal or the next point at which another locomotive can be procured.

§ 6. The State Railroad Commission shall require every carrier subject to this Act to make and file with the State Railroad Commission, at its office in Frankfort, Kentucky, a monthly report under such rules and regulations as may be prescribed by said Commission, and under oath, of all operations of trains of greater car length than provided in Sections 2, 3, and 4 of this Act. Such report shall state the reasons and causes therefor, the points to and from which said operation was carried on, and all other circumstances connected therewith.

§ 7. That any carrier subject to this Act violating any of the provisions thereof shall be liable to a penalty of not less than one hundred dollars nor more than three hundred dollars, and confined in the County Jail for not less than thirty, nor more than ninety days, for each and every violation, said fine or fines to be recovered in a suit or suits to be brought by the Attorney General in the Circuit Court of Franklin County, State of Kentucky, and it shall be the duty of such Attorney General to bring any such suit upon satisfactory information being lodged with him of such violations having occurred, but no such suit shall be brought after the expiration of two years from the date of such violations; and it shall also be the duty of the State Railroad Commis-

sion to lodge with the Attorney General information of any such violations that may come to its knowledge. In all prosecutions under this Act the carrier shall be deemed to have knowledge of all acts of all of its officers and agents.

§ 8. It shall be the duty of the State Railroad Commission to execute and enforce the provisions of this Act, and all powers granted to the State Railroad Commission are hereby extended to it in the execution of this Act.

§ 9. All laws or parts of laws in conflict herewith, are hereby repealed to the extent of such conflict.

By Mr. Myers:

H. B. 168. An Act concerning railroads, regulating the operations of trains, engines, motors, locomotives, cranes, or pile drivers, providing for the number of employees on the same, prescribing penalties, and repealing all laws in conflict therewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any common carrier by railroad in the State of Kentucky, to run or permit to be run on any of its lines or any part thereof, outside of yard limits, any freight, mixed, work or wreck trains propelled or drawn by steam, electricity, gasoline or other motive power, that has not at least the following named employees thereon: One engineer and one fireman for each steam locomotive where such train is propelled or drawn by steam; one engineer or motorman and one assistant to such engineer or motorman, where such train is propelled or drawn by electricity, gasoline or any other form of energy; one conductor and two brakemen.

§ 2. It shall be unlawful for any person or persons, corporation or common carrier by railroad, to operate or

permit to be operated on any of its tracks in the State of Kentucky, any locomotive, engine or motor used to switch cars, to handle cars unless said locomotive, engine or motor is manned with a crew of competent employees consisting of not less than one engineer or motorman, one fireman or assistant to such engineer or motorman, one conductor or foreman and two brakemen or switchmen.

§ 3. It shall be unlawful for any person or persons, corporation or common carrier by railroad, to operate or permit to be operated on any of its tracks in the State of Kentucky, any locomotive, engine, motor, locomotive crane, or pile driver, without cars, unless said locomotive, engine, motor, locomotive crane, or pile driver, is manned with a crew of competent employees consisting of not less than one engineer or motorman, one fireman or assistant and one conductor or flagman.

§ 4. Nothing in this act shall apply to motor cars used by maintenance of way department, signal men, or electric street railways operating in cities or on interurban lines, nor shall this act apply in cases of disability occurring to any member of a crew while on the road between terminals, or to relief or wrecking trains where sufficient men are not available.

§ 5. Any person or persons, corporation or common carrier by railroad, operating any railroad in this Commonwealth, who shall willfully violate any of the provisions of this act, shall be liable to the Commonwealth for a penalty of not less than one hundred nor more than three hundred dollars or confined in the county jail for not less than thirty nor more than ninety days for each offense, or may be both so fined and imprisoned, and such penalties shall be recovered by action brought by the Attorney General of the Commonwealth at the direction of the State Railroad Commission, in the Circuit Court of Franklin County; provided, however, this act shall not apply in case of engine failures between terminals.

§ 6. All laws or parts of laws in conflict herewith, are hereby repealed to the extent of such conflict.

§ 7. If any part, subdivision or section of Act shall be deemed unconstitutional, the validity of its remaining provisions shall not be affected thereby.

The Speaker announced, that he had referred bills heretofore introduced, as follows:

H. B. 96. To Committee on Revenue and Taxation No. 2.

H. B. 110. To Committee on Kentucky Statutes No. 1.

H. B. 115. To Committee on Kentucky Statutes No. 2.

H. B. 101. To Committee on Judiciary.

H. B. 116. To Committee on Juvenile Courts.

H. B. 117. To Committee on Judiciary.

H. B. 119. To Committee on Judiciary.

H. B. 120. To Committee on Motor Transportation.

H. B. 122. To Committee on Kentucky Statutes No. 1.

H. B. 124. To Committee on Mines and Mining.

H. B. 128. To Committee on Compensation for Industrial Injuries.

H. B. 129. To Committee on Appropriations No. 2.

H. B. 137. To Committee on Roads and Highways No. 1.

H. B. 149. To Committee on Motor Transportation.

H. B. 150. To Committee on Trade and Commerce.

The Speaker announced the following Standing Committees of the House, viz.:

Education No. 1—Frank McGary, Chairman, Rodes K. Myers, Clyde Howard, Howard Earley, Ben Grogan, Chester D. Silvers, G. W. Garrett, Duke Mayfield, Roscoe Claxon.

Appropriations No. 1—Clarence Evans, Chairman, Rodes K. Myers, Vice Chairman, Joe E. Robinson, Charles S. Matherly, Ollie J. Bowen, Dr. Shields, Harry Davis.

And announced changes in the following Standing Committees of the House, viz.:

Kentucky Statutes No. 1—George Dunlap, Chairman, Dr. Shields, Stanley Dickson, Wallace Brown, Joe E. Robinson, J. A. Coleman, Thos. P. Fitzpatrick, Rodes K. Myers.

Roads and Highways No. 1—Rodes K. Myers, Chairman, Tyler Munford, Duke Mayfield, Dr. Shields, J. A. Coleman, Russell O'Neill, Douglas Bolling, O. C. Jones.

Appropriations No. 2—S. J. Wagner, Chairman, Stanley Dickson, Garland Embry, Ben Grogan, J. C. Ramey, W. T. Baker, W. H. Miller, J. A. Coleman, Marion T. McCarthy.

A message was received from the Senate announcing that they had passed a bill and resolution which originated in that body, entitled:

S. B. 14. An Act authorizing, empowering and directing the Governor to cause to be made an audit, study and survey of Departments, Institutions, Boards, Commissions and Agencies of the Commonwealth, etc.

S. Res. 13. Resolution providing for a contingent fund for the Clerk of the Senate and Clerk of the House.

Ordered that said bill and resolution be printed and referred:

S. B. 14. To Committee on Kentucky Statutes No. 1.

S. Res. 13. To Committee on Kentucky Statutes No. 1.

And that they had concurred in resolutions which originated in this House, entitled:

H. Res. 6. Concurrent resolution memorializing Congress of the United States of America to eliminate the taxation of Gasoline by the Federal Government.

H. Res. 14. Concurrent resolution for adjourning the General Assembly sine die and fixing the date as of February 15, 1936.

The Committees to which the same had been previously referred, reported bills of the following titles, viz.:

By Mr. Pfeiffer of the Committee on Constitutional Amendments:

H. B. 13. An Act proposing an amendment to the Constitution of the Commonwealth of Kentucky, pertaining to public offices and providing that all constitutional or other public offices in Kentucky in the executive, judicial and legislative departments, except the offices of Governor, Lieutenant Governor, Auditor of Public Accounts, Attorney General, Judges of the Court of Appeals, Circuit Judges and members of the General Assembly, may be abolished or consolidated by the General Assembly, etc.

Without an expression of opinion.

By Mr. Dunlap of the Committee on Kentucky Statutes No. 1:

S. B. 10. An Act repealing Chapter 20 of the Acts of the Extraordinary Session of the General Assembly of 1934 defining motor vehicles classed as trucks, etc.

H. B. 20. An Act authorizing the Kentucky Planning Commission to prepare a business directory of the State of Kentucky.

With Committee amendments thereto.

H. B. 10. An Act reducing the state tax on gasoline from five cents to four cents per gallon, and repealing and re-enacting Section 4224b-1, Carroll's Kentucky Statutes, 1930 Edition, etc.

S. B. 9. An Act repealing Chapter 19 of the Acts of the Extraordinary Session of the General Assembly of 1934 pertaining to passenger automobiles and providing for registration fees of such motor vehicles and amending and re-enacting same and declaring an emergency to exist.

H. B. 30. An Act amending and re-enacting Section 436 Carroll's Kentucky Statutes, 1930 Edition, and defining the duties of constables in this Commonwealth.

With the expression of opinion that said bills ought to pass with the exception of those specifically set out above.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

Mr. Dunlap of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported bills of the following titles, viz.:

H. B. 48. An Act making it a felony to solicit, assess or knowingly receive money from State or Federal employee or employees for campaign or political purposes.

With the expression of opinion that said bill ought not to pass.

Mr. Shehan moved that said bill be read at length the first time, the report of the Committee to the contrary notwithstanding.

Mr. Myers moved that said bill be recommitted,

To Committee on Kentucky Statutes No. 1.

The motion as made by Mr. Myers was agreed to.

The yeas and nays, being required thereon by Messrs. Ward and Shehan, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Eugene Gough	Tyler Munford
Henry H. Allen	Ben Grogan	Rodes K. Myers
W. T. Baker	Jas. T. Hamilton	J. C. Nickell
B. F. Bedford	W. L. Hampton, Jr.	Mel Petry
Douglas Bolling	Clyde S. Howard	A. W. Pfeiffer
Ollie J. Bowen	Ira W. Hulette	J. C. Ramey
Wallace Brown	John M. Hunnicut	L. K. Rice
Dr. R. A. Byers	Ben W. Johnson	Wade H. Riley
Floyd Clark	J. H. Jones	Joe E. Robinson
Roscoe Claxon	O. C. Jones	John C. Robinson
George S. Clay	R. T. Kirkman	W. T. Rollo
J. A. Coleman	J. F. Ladd	A. W. Ross
Roy Conway	M. T. McCarthy	Carl Scheben
Herbert Cook	T. B. McConnell	Carl Schneider
Sam Dever	J. L. McDermott	Dr. B. F. Shields
Stanley S. Dickson	W. F. McGary	P. L. Sidebottom
George W. Dunlap	Elmer McGlothen	Dr. H. S. Swope
Howard G. Early	C. S. Matherly	W. R. Tapp
Garland Embry	D. T. Matlack	S. J. Wagner
T. P. Fitzpatrick	Duke Mayfield	Joseph L. Wall
James Garnett, Jr.	G. S. Milam	L. R. Wells
Ferd. A. Gnau	W. E. Mull	W. G. Williams

Those who voted in the negative were—

C. W. Anderson, Jr.	Thomas W. Hines	Ray O. Shehan
H. T. Baker	J. T. Jennings	Chester D. Silvers
Reuben J. Boling	Leslie Larrimore	H. C. Steely
Jas. C. Carter	Robert E. Lee	Henry Stewart
Harry Davis	Lloyd MacDonald	R. Van Bever, Jr.
Walter R. Fannin	W. H. Miller	Henry Ward
H. Myer Garner	John B. Mollett	Charles Wylie
G. W. Garrett	Russell O'Neill	
C. L. Hammons	Hobart Rayburn	

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And so said bill was recommitted.

H. B. 17. An Act to repeal and re-enact Section 1309, Carroll's Kentucky Statutes, relating to the punishment of persons carrying concealed deadly weapons.

H. B. 19. An Act to amend and re-enact Section 1235 of Carroll's Kentucky Statutes, relating to the punishment of persons confined in jail on conviction of a felony.

With the expression of opinion that said bills ought not to pass.

No further action having been taken by the House and no motion having been made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, it was ordered that said bills be not read at length the first time.

And so said bills were rejected.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 55. An Act authorizing, empowering and directing the Governor to cause to be made an audit, study and survey

of Departments, Institutions, Boards, Commissions and Agencies of the Commonwealth; etc.

H. B. 45. An Act repealing Chapter 19 of the Acts of the Extraordinary Session of the General Assembly of 1934 pertaining to passenger automobiles and providing for registration fees of such motor vehicles and amending and reenacting same and declaring an emergency to exist.

H. B. 18. An Act for the purpose of notifying the Commonwealth's Attorney of persons discharged from the Penitentiary.

H. B. 11. An Act relating to the regulation of road-houses, eating and drinking stands, and other places of public entertainment lying outside of the limits of incorporated towns and cities.

With Committee Amendments thereto.

H. Res. 21. Joint Resolution creating Legislative Committee to investigate and inspect properties of the Commonwealth of Kentucky.

H. B. 31. An Act amending so much of Section 965, Kentucky Statutes, Carroll's 1930 Edition, as relates to the 28th Judicial District.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day

Mr. Hammons sent to the Clerk's desk the following:

Logan had a little Milam,
Its fleece was white as snow;
And when all the others voted yes
Mister Milam voted no.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 71. An Act relating to suffrage and elections and providing a method of registering voters in this Commonwealth residing outside of the city limits of cities of the first, second, third and fourth classes, etc.

Mr. Joe E. Robinson moved that said bill be recommitted.

To Committee on Kentucky Statutes No. 1.

Said motion was agreed to.

And so said bill was recommitted.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 1. An Act relating to primary elections.

Dr. Shields moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled, viz.:

H. Res. 9. Resolution providing for a contingent fund for the Clerk of the House and the Clerk of the Senate,

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky, there is hereby appropriated out of the general revenues of the State, as a contingent fund, the sum of five hundred dollars (\$500.00) and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives of the Commonwealth, under direction of said House, there is hereby appropriated out of the general revenues of the State, as a contingent fund, the sum of five hundred dollars (\$500.00). Said respective funds shall be paid out on warrant of the Auditor, issued on requisition of the Chief Clerk of the Senate and of the House of Representatives.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Wallace Brown	Harry Davis
Henry H. Allen	Dr. R. A. Byers	Sam Dever
H. T. Baker	Jas. C. Carter	Stanley S. Dickson
W. T. Baker	Floyd Clark	George W. Dunlap
G. M. Ballard	Roscoe Claxon	Howard G. Early
B. F. Bedford	George S. Clay	Garland Embry
Reuben J. Boling	J. A. Coleman	Walter R. Fannin
Douglas Bolling	Roy Conway	Chas. P. Farnsley
Ollie J. Bowen	Herbert Cook	T. P. Fitzpatrick

H. Myer Garner	T. B. McConnell	Joe E. Robinson
G. W. Garrett	J. L. McDermott	John C. Robinson
James Garnett, Jr.	Lloyd MacDonald	W. T. Rollo
Ferd A. Gnau	W. F. McGary	A. W. Ross
Eugene Gough	Elmer McGlothen	Carl Scheben
Ben Grogan	C. S. Matherly	Carl Schneider
Jas. T. Hamilton	D. T. Matlack	Ray O. Shehan
C. L. Hammons	Duke Mayfield	Dr. B. F. Shields
W. L. Hampton, Jr.	G. S. Milam	P. L. Sidebottom
Thomas W. Hines	W. H. Miller	Chester D. Silvers
Clyde S. Howard	John B. Mollett	Bruce Sloan
Ira W. Hulette	W. E. Mull	H. C. Steely
John M. Hunnicut	Tyler Munford	Henry Stewart
J. T. Jennings	Rodes K. Myers	Dr. H. S. Swope
Ben W. Johnson	J. C. Nickell	W. R. Tapp
J. H. Jones	Russell O'Neill	R. Van Bever, Jr.
O. C. Jones	Mel Petry	S. J. Wagner
R. T. Kirkman	A. W. Pfeiffer	Joseph L. Wall
J. F. Ladd	J. C. Ramey	Henry Ward
Leslie Larrimore	Hobart Rayburn	L. R. Wells
Robert E. Lee	L. K. Rice	W. G. Williams
M. T. McCarthy	Wade H. Riley	Charles Wylie

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Resolved that the title thereof be as aforesaid.

Mr. Gnau moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Davis moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, JANUARY 17, 1936.

The House was opened with prayer by the Reverend R. B. Kelly of the Church of the Nazarene of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

F. T. Allen	Ferd A. Gnau	W. E. Mull
Henry H. Allen	Eugene Gough	Tyler Munford
C. W. Anderson, Jr.	Ben Grogan	Rodes K. Myers
H. T. Baker	Jas. T. Hamilton	J. C. Nickell
W. T. Baker	C. L. Hammons	Russell O'Neill
G. M. Ballard	W. L. Hampton, Jr.	Mel Petry
B. F. Bedford	Thomas W. Hines	A. W. Pfeiffer
Reuben J. Boling	Price Holbrook	J. C. Ramey
Douglas Bolling	Clyde S. Howard	Hobart Rayburn
Ollie J. Bowen	Ira W. Hulette	Harry C. Records
Wallace Brown	John M. Hunnicut	L. K. Rice
Dr. R. A. Byers	J. T. Jennings	Wade H. Riley
Jas. C. Carter	Ben W. Johnson	Joe E. Robinson
Floyd Clark	J. H. Jones	John C. Robinson
Roscoe Claxon	O. C. Jones	W. T. Rollo
George S. Clay	R. T. Kirkman	Carl Scheben
J. A. Coleman	J. F. Ladd	Carl Schneider
Roy Conway	Leslie Larrimore	Ray O. Shehan
Herbert Cook	Robert E. Lee	Dr. B. F. Shields
Harry Davis	M. T. McCarthy	P. L. Sidebottom
Sam Dever	T. B. McConnell	Chester D. Silvers
Stanley S. Dickson	J. L. McDermott	Bruce Sloan
George W. Dunlap	Lloyd MacDonald	H. C. Steely
Howard G. Early	W. F. McGary	Henry Stewart
Garland Embry	Elmer McGlothen	Dr. H. S. Swope
Clarence E. Evans	John Marshall	W. R. Tapp
Walter R. Fannin	C. S. Matherly	R. Van Bever, Jr.
Chas. P. Farnsley	D. T. Matlack	Joseph L. Wall
T. P. Fitzpatrick	Duke Mayfield	Henry Ward
H. Myer Garner	G. S. Milam	L. R. Wells
G. W. Garrett	W. H. Miller	W. G. Williams
James Garnett, Jr.	John B. Mollett	Charles Wylie

Mr. Hammons moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The Clerk read to the House the following communication, viz.:

Frankfort, Kentucky.

January 15, 1936.

Mr. Brooks L. Hargrove,
Chief Clerk,
House of Representatives,
Frankfort, Kentucky.

My dear Mr. Hargrove:

I am most grateful to you for sending me the resolution offered before the House of Representatives, in memory of my husband.

It is, indeed, a beautiful tribute and I shall treasure it always.

Gratefully yours,

Katherin W. Morrow.

Dr. Shields moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Rice moved that the privilege of the floor be extended to Senator Williams and Lewis Hughley.

Said motion was agreed to.

Mr. Carter moved that the privilege of the floor be extended to Mr. Charles Reidingin and Norman W. Bowman.

Said motion was agreed to.

Upon a call of the counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows:

By Mr. Wells:

H. B. 169. An Act providing for liens upon monuments and markers placed in Cemeteries or Burial Grounds for the price thereof, and for the assertion and enforcement of such liens.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A person who furnishes under a contract a monument or marker for use in any cemetery or burial ground shall have a lien thereon for the contract price therefor, or so much of said price as remains unpaid, with interest thereon from the time the same became due.

§ 2. The liens mentioned in the preceding Section shall be dissolved unless the claimant within two years after the purchase price for said monument shall have become due, shall file with the clerk of the County Court of the county in which the cemetery or burial ground in which said monument or marker is situated, a statement of the amount due him with all just credits and set-offs known to him, together with a description of the monument or marker intended to be covered by the lien sufficiently accurate to identify it, and the name of the cemetery and the location of the lot on which such monument or market stands, and the name of the person or persons with whom the agreement for the furnishing of the monument or marker was made. The said statement shall

be signed and verified by the person claiming the lien. The lienor shall within ten days after the filing of such notice, have a copy thereof served upon the person with whom the agreement for the purchase of such monument or marker was made, and another copy of same upon the owner of the lot upon which such monument or marker is erected, if the name and residence of such persons can with reasonable diligence be ascertained.

§ 3. An action to enforce said lien may be brought by the lienor against the person or persons with whom the agreement for the purchase of such monument or marker was made in any court having jurisdiction of the amount involved, and the said suit shall not be considered a suit to enforce a lien upon real estate. In such suit a judgment may be rendered authorizing the removal of such monument or marker from the cemetery or burial ground and the sale thereof at public auction to satisfy the amount of the judgment rendered in such action. Notice of the sale shall be published at least ten days before the time thereof in a newspaper published in the town or city where such sale is to take place, or if no newspaper is published therein, in a newspaper in a city or town nearest thereto. Notice of said sale shall also be given by posting written or printed advertisements thereof at the courthouse door of the county in which such sale is to be made and at least three public places in the vicinity of the same cemetery or burial ground where said monument or marker is located. Such notice shall state the time and place of sale and the amount for which same is to be made and shall describe the property to be sold.

§ 4. The proceeds of the sale shall be applied first to the payment of the cost of such suit and the expense of the removal of such monument or marker from the cemetery or burial ground, not exceeding \$50.00, if it be a monument, and not exceeding \$10.00, if it be a marker, and the judgment in

favor of the lienor shall next be satisfied out of the proceeds of said sale and any residue shall be forthwith paid to the judgment debtor. Such sale shall be made either for cash or on credit of three months, the purchaser giving approved security bearing interest from the day of sale, as the court may direct.

§ 5. Any officer of a cemetery or other person connected with a cemetery or burial ground shall not hinder or obstruct the removal in a proper manner of any such monument or marker pursuant to the terms of such judgment, but after the removal of any such monument or marker from the foundation thereof, the person removing same under such judgment, shall as a part of the expense of enforcing said judgment, and to the satisfaction of the proper officers of said cemetery or burial ground, cause the removal of all or so much of the foundation of such monument or marker as will permit the surface of the ground to be restored to its natural level and appearance, and shall resod the same so it will harmonize with the ground immediately adjacent thereto. Should such person fail so to do, the owner or owners of said cemetery or burial ground may perform said work and recover the cost thereof from the person enforcing said lien.

§ 6. The enforcement of a lien created by this Act and the removal of any monument or marker pursuant to the provisions hereof shall not be construed as a violation of the provision of any penal law of this State, or any act or parts of acts prohibiting the removal of monuments or grave markers from a cemetery lot. An enforcement of this act shall not be construed as a violation of any law heretofore enacted for the protection of cemeteries or burial places.

§ 7. All acts and parts of acts inconsistent with this act are hereby repealed.

By Mr. Hines:

H. B. 170. An Act establishing as a part of the Primary

System of State Highways a road leading from the Orange Graveyard via Sunny Lane, general direction of the old Morgantown and Franklin road to the Morgantown-Russellville Highway at or near the old Brick House place, in Butler County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a road leading from the Orange graveyard via Sunny Lane, general direction of the old Morgantown and Franklin road to the Morgantown and Russellville Highway at or near the old Brick House place, be and the same is hereby established and designated as a part of the primary system of State Highways of the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Matlack:

H. B. 171. An Act to repeal and re-enact sections 1, 2, and 3 of the Acts of 1914 entitled "An Act to give consent by the State of Kentucky to the acquisition by the United States of such lands as may be needed for the establishment of a National Forest Reserve in said State," and which sections are now sections 2376g-1, 2376g-2 and 2376g-3 of the 1930 editions of Carroll's Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sections 1, 2 and 3 of chapter 24 of the Acts of 1914, now being sections 2376g-1, 2376g-2 and 2376g-3 of Carroll's Kentucky Statutes, 1930 edition, are each hereby repealed and re-enacted so that after such re-enactment they will read as follows, to wit:

§ 1. That the consent of the Commonwealth of Kentucky be, and is hereby, given to the acquisition by the United States, by purchase or gift, or by condemnation according to the law, of such lands in this Commonwealth as in the opinion of the Federal Government may be needed for the establishment of national forest reserves in this Commonwealth, pursuant to a Federal statute known as the "Fulmer" Act: Provided, That the Commonwealth shall retain a concurrent jurisdiction with the United States in and over such lands so far that civil process in all cases, and such criminal process as may issue under its authority against any person charged with the commission of any crime without or within said jurisdiction, may be executed in like manner as if this Act had not been passed: And provided, That in all condemnation proceedings the rights of the Federal Government shall be limited to the specific objects set forth by the laws of the United States in regard to forest reserves; and provided further, that before such acquisition of any lands for said purpose shall become effective it shall receive the approval of the Governor of this Commonwealth, evidenced by an order spread upon the records of the Secretary of State and signed by him.

§ 2. Section 2, now section 2376g-2 of the same edition of Carrol's Kentucky Statutes, is hereby re-enacted so as to read as follows:

That power is hereby conferred upon Congress to pass such laws as it may deem necessary to the acquisition as hereinbefore provided, for incorporation in said national forest reserves, of such lands lying in Kentucky as in the opinion of the Federal Government may be needed for this purpose.

§ 3. Section 3, now section 2376g-3 of the same edition of Carroll's Kentucky Statutes, is hereby re-enacted so as to read as follows:

Power is hereby conferred upon Congress to pass such laws and to make or provide for the making of such rules and regulations, of both civil and criminal nature, and provide

punishment therefor, as in its judgment may be necessary for the management, control, and protection of such land as may be, from time to time, acquired by the United States under the provisions of this Act: Provided, That the terms upon which the Federal Government holds title to any such lands acquired for such purpose, and its return of title thereto to the Commonwealth, may be as is specified in said Federal Statute under which the Federal Government may acquire such lands.

By same:

H. B. 172. An Act making it a misdemeanor punishable by fine and imprisonment for anyone failing and refusing to extinguish any fire that he may originate or start for any purpose within the territory of any forest reserve or park or other woodland within the confines of the Commonwealth of Kentucky, or over which it or the Federal Government has power and authority of regulatory control.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It is hereby made the duty of any person who starts or consents to starting, or originates, any fire for any purpose within the boundaries of any forest lands within this Commonwealth, whether they be public forest reserves or public parks or not, to totally extinguish such fires before leaving them unprotected, and if he should fail to do so and should abandon same whereby damage and injury is produced to growing timber on land upon which the fire was started, or to which it may be communicated, he shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned in the county jail not less than ten days nor more than one

hundred days, or both fined and imprisoned at the discretion of the court or jury trying the case.

By Mr. Riley:

H. B. 173. An Act to repeal, amend and re-enact Section 8 of Chapter 90, Acts of 1920, being Section 2739g-33, Kentucky Statutes, Carroll's Edition 1930, relating to conditions under which vehicles shall not operate on State-maintained public highways of this Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ A. That Section 8, Chapter 90 of the Acts of 1920, being Section 2739g-33 of Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed and re-enacted so as to read as follows:

(a) *Chains, Agricultural Machinery*: In all cases where chains are used on rubber tired wheels, the cross chains shall not be more than three-fourths of an inch in thickness or diameter, and shall be spaced not more than ten inches apart, around the circumference of the tires. No person shall willfully operate any vehicle on any public highway in such manner as to do injury thereto. Any machinery, utensils or implements used solely for agricultural, farming or manufacturing purposes may be operated on the highways under present equipment except as otherwise provided in subsection C of this section.

(b) *Width of Tires*: No person shall operate a vehicle on a Public Highway which has greater weight on any tire per inch of width of same which is in contact with the surface of the Highway than: For iron or steel tires, 500 lbs. For solid rubber or compound tires of more than 800 lbs.

(c) *Tractors*: No Tractor or Traction engine, hauling engine or other similar power having any projection on the

face of the tire or rim of the wheels in contact with the pavement shall be operated on any highway maintained by the State, the top surface of which highways is either composed of or treated with bituminous materials, except that the driving wheels may be fitted with flat lugs extending diagonally from each side of the tire or rim to the center of tire or rim, such lugs to be not less than three-fourths of one inch in width at bearing surface in contact with the pavement, provided that such lugs are spaced so that three or more lugs on each driving wheel shall be in contact with the road surface at all times. The front or non-driving wheels may be fitted with flat steering rings provided that such rings are not less than one and one-fourth inches in width and not more than one and one-half inches high, but no bolt heads or rivet heads or any other projection beyond the face of the tire or rim will be permitted. The narrow angle iron lugs used for plowing or on soft ground will not be permitted and no Tractor or other vehicle of the Caterpillar or track laying type having any such projections on the face of the shoe or tread of the track in contact with the roadway will be permitted unless fitted with flat lugs herein before specified in a way that would prevent any injury to the highway by either the narrow angle lugs or the projection on any Tractor or other vehicle hereinbefore named.

That all vehicles described in this section when traveling upon the type of roads described in this section, keep one driving wheel or laying track upon the shoulder of said roads when shoulders are of sufficient width, except when passing other vehicles or crossing said roads or soft condition of shoulders of said roads will not permit.

All laws and parts of laws in conflict with this Act is hereby repealed, and this Act shall become effective upon its appeal and the signing thereof by the Governor of the Commonwealth.

To Committee on Motor Transportation.

By Mr. Shields:

H. B. 174. An Act to provide for the certification of property assessment in annexed territory to the annexing authority; to provide for the equalization of such assessment and levy of tax thereon by the annexing authority.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all assessments of property heretofore made or hereafter made in territory annexed thereafter to another civil division, prior to such annexation shall be certified by the assessor making the same, to the annexing civil division and by the proper authority thereof, submitted to its board of equalization to be equalized as provided by law; and when so equalized the regular annual tax of the annexing division shall be levied by the proper authority thereof and placed upon its tax bills made therefor and collected as its other taxes; and said taxes if allowed to become delinquent, shall be subject to the same interest and penalty charged and enforced in the manner provided by the law governing such annexing division.

§ 2. Should the equalization board be about to adjourn when, or have adjourned before said assessment is certified as provided in the preceding section, the time of such board may be extended for a reasonable time or it shall be reconvened for the purpose of passing upon such certified assessment; and should, for any reason, such assessment and equalization be completed after the regular levy of taxes for that year have been levied, a levy may thereafter be made as soon as practicable for that year's tax.

§ 3. Whereas territories in this state have been annexed at the last election, and the property therein could otherwise not be taxed for the ensuing year because the levies

are directed in the months of March and April, an emergency is hereby declared to exist and this Act shall take effect immediately upon its passage.

By Mr. Shields:

H. B. 175. An Act to repeal, amend and re-enact Section 1529, Carroll's Kentucky Statutes, 1930 Edition, relating to filling of vacancies in the office of County Judge and declaring an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1529, Carroll's Kentucky Statutes, 1930 Edition, be and the same is hereby repealed, amended and re-enacted so that when same is amended and re-enacted, it will read as follows:

§ 2. When a vacancy shall occur in the office of county judge, it shall be the duty of the clerk of the county court of said county to immediately notify the Governor of the Commonwealth of Kentucky of such vacancy and the Governor of the said Commonwealth shall proceed to fill said vacancy for the period of time as prescribed under Section 152 of the Constitution of Kentucky and to the person who is appointed, the Governor shall issue his commission as required by law.

§ 3. Whereas, there is now a serious question under the existing laws as to the appointment of county judges and as to who has the authority to make said appointments, and whereas, there are now vacancies in the office of the county judges in this Commonwealth and the appointments attempting to be made are questionable, and whereas, there will continue to be vacancies in said offices at various times and the uncertainty of the manner in which said vacancies and appointments should be made is of great importance to the people of this state; there is hereby declared an emergency to exist, and

this Act shall become effective immediately upon its passage and approval by the Governor.

§ 4. All laws or parts of laws in conflict herewith are hereby repealed and Section 1529, Carroll's Kentucky Statutes, 1930 Edition, is hereby expressly repealed.

By Mr. Pfeiffer:

H. B. 176. An Act to amend and re-enact Section 1055, Kentucky Statutes, 1934 Edition, relating to keeping of record books, dockets, order books, and execution books of quarterly courts and judges thereof; clerk, deputy clerks, including two additional deputy clerks, their appointment, number, compensation and duties in counties containing a population of one hundred fifty thousand (150,000) or more.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1055, 1934 Edition, Kentucky Statutes, be amended and re-enacted, so that said section, when amended and re-enacted, shall read as follows:

The Judge of the Quarterly Court shall keep a record of all his official acts out of term time and shall keep a Docket Order Book, Execution Book in which shall be recorded, as Clerks are required to do, the proceedings of the Court and shall fix a Rule day for return of Execution and other processes. The Record Book shall be paid for by the County. He may appoint a Clerk of his Court who shall have the power to file papers and issue all processes and administer the oaths; provided that in counties having a population of One Hundred and Fifty (150.00) Thousand or more the County Judge, immediately upon this Act taking effect shall appoint for a period ending on the first Monday in July, 1938, one additional Deputy Clerk of the Quarterly Court who shall be paid

at the rate of Eighteen Hundred (\$1800.00) Dollars per annum and one additional Deputy Clerk of the Quarterly Court to be paid at the rate of Fifteen Hundred (\$1500.00) Dollars per annum, said salaries shall be paid in monthly installments by the Fiscal Court of the County in which said Deputies are appointed, out of the County Treasury, from money raised for County purposes and said deputies shall have the power to file papers and issue all processes and administer the Oaths; thereafter in counties having One Hundred and Fifty (150,000) Thousand or more population, the County Judge elected at a regular election for said office shall, on the first Monday in July succeeding his election, appoint for a period of Four Years a Clerk and Four Deputy Clerks of the Quarterly Court who shall have the power to file papers and issue all processes and administer the Oaths, and for their services the Clerk shall receive a salary to be fixed by the Fiscal Court of the County, not less than Three Thousand (\$3,000.00) Dollars per annum, and not exceeding Thirty-Six Hundred (\$3,600.00) Dollars per annum, and one Deputy Clerk shall be paid at the rate of Eighteen Hundred (\$1,800.00) Dollars per annum, and three deputy clerks at the rate of Fifteen Hundred (\$1,500.00) Dollars per annum, said salaries to be paid in monthly installments by the Fiscal Court of the County in which said Clerk and Deputies are appointed, out of the County Treasury, from money raised for County purposes, and all fees collected from the Quarterly Court which heretofore have been paid to the County Judge in said County shall be paid into the Treasury of the County. Said collection shall be made by the Clerk, who shall settle monthly with the County Judge and pay the amount found by such settlement in his hands immediately into County Treasury.

The Clerks of the Quarterly Courts held in the Counties having population in excess of Two Hundred and Fifty (250,000) Thousand shall collect upon all Civil Actions or Civil Proceedings, commencing with the original process in said

Quarterly Courts, except upon Appeals from orders and judgments of Fiscal Courts, Police Court having Civil Jurisdiction and Courts of the Justice of Peace, the sum of One Dollar and (\$1.50) Fifty Cents, which sum shall be collected when each Civil Action or Civil Proceeding is instituted, and shall be applied as a Credit upon the costs accruing in the respective Civil Actions and proceedings, and such funds, after collected shall be accounted for by the said Clerks and disposed of as hereinabove provided.

Said Clerk and Deputies shall, before entering upon a discharge of their duties, execute bond before County Court, with Security approved by the Court, to the Commonwealth of Kentucky, for the faithful performance of their duties.

Inasmuch as the draftsman and author of the Act passed by the General Assembly of 1934 amending and re-enacting Section 1055, Kentucky Statutes, inadvertently and through error copied into said act Section 1055, Kentucky Statutes, 1926 Edition, which Act provided for the appointment of a Clerk and Two Deputy Clerks instead of copying Section 1055, Kentucky Statutes, 1930 Edition, which provided for a Clerk and Four Deputy Clerks, as was his intention, thereby inadvertently and through error reducing the number of Deputy Clerks in the Quarterly Courts of counties containing a population of One Hundred Fifty (150,000) Thousand or more from Four Deputy Clerks to Two Deputy Clerks; and whereas said reduced force, or number of Deputy Clerks, is insufficient to properly and efficiently carry on the work of the said office, therefore an emergency is declared to exist and this Act shall become effective immediately upon its approval by the Governor.

By Mr. Hunnicutt:

H. B. 177. An Act to amend Section 1 of Chapter 87 of an Act entitled: "An Act to authorize the incorporation of Chambers of Commerce, provide for their government and

the collection of dues and to authorize appropriations thereto by City Councils and City Commissioners of cities of the third (3d) and fourth (4th) classes in the Commonwealth of Kentucky; said Act being enacted by the General Assembly and approved March 17, 1928, and being Section 2741N-1, Kentucky Statutes, 1930 Carroll's Edition, making the provisions of said Act applicable to cities of the second (2d) class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1 of Chapter 87 of an Act, entitled an Act to authorize the incorporation of the Chambers of Commerce, provide for their government and collection of dues, and to authorize appropriations thereto by City Councils and City Commissioners of cities of the third (3d) and fourth (4th) class in the Commonwealth of Kentucky; said Act being enacted by the General Assembly and approved March 17, 1928, and same being Section 2741n-1, Kentucky Statutes, 1930 Carroll's Edition, be and the same is hereby amended and re-enacted to read as follows:

"Creation; purpose.—For the purpose of advertising, promoting, and developing the natural resources, and to promote the general welfare, better business methods, and civic conditions, a corporate body is hereby authorized in cities of the second (2d), third (3d) and fourth (4th) class in the Commonwealth of Kentucky."

By Mr. Hammons:

H. B. 178. An Act creating and establishing as a part of the State Primary System of Roads and Highways a road project, beginning at Grays, Knox County, Kentucky, from U. S. Highway 25E, thence to Camp Ground in Laurel County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established as a part of the primary roads and highways of the Commonwealth of Kentucky, a road beginning at Grays, Knox County, Kentucky, from U. S. Highway 25E, thence to Camp Ground in Laurel County, Kentucky.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all terms set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, creating and establishing a Primary System of roads and highways, the same as if said road had been named in said original Act as one of the projects of said Primary System of the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By same:

H. B. 179. An Act creating and establishing as a part of the State Primary System of Roads and Highways a road project, beginning at the end of Barbourville Street in Corbin, Knox County, Kentucky, and leading to U. S. 25E Highway, to intersect at Campbell's Store.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established as a part of the primary roads and highways of the Commonwealth of Kentucky, a road beginning at end of Barbourville Street in Corbin, Knox County, Kentucky, thence to U. S. 25E Highway so as to intersect at Campbell's Store in Knox County, Kentucky, a distance of about one and one-half miles.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all terms set out and

provided for in Chapter 17 of the Acts of the General Assembly of 1920, creating and establishing a primary system of roads, the same as if said road had been named in said original Act as one of the projects of said Primary System of the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By same:

H. B. 180. An Act creating and establishing as part of the State Primary System of Roads and Highways a road project, beginning at the end of East Main Street in Corbin, Knox County, Kentucky, and leading through Park Hill to Mt. Calvert church in Knox County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established as a part of the primary roads and highways of the Commonwealth of Kentucky, a road beginning at the end of East Main Street in Corbin, Knox County, Kentucky, leading through Park Hill, thence to the Mt. Calvert church in Knox County, Kentucky.

§ 2. The construction maintenance, supervision and control of said road shall be subject to all terms set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, creating and establishing a Primary System of roads and highways, the same as if said road had been named in said original Act as one of the projects of said Primary System of the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Milam:

H. B. 181. An Act establishing as a part of the primary road system a road extending from the intersection of same with the Lewisburg-Sharon Grove Road at Spa, to the intersection of same with the Highland Lick Road near the residence of E. J. Duncan, in Logan County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as a part of the primary road system a road in Logan County, Kentucky, extending from the intersection of same with the Lewisburg-Sharon Grove road at Spa, to the intersection of same with the Highland Lick road near the residence of E. J. Duncan.

To Committee on Roads and Highways No. 2.

By same:

H. B. 182. An Act establishing as a part of the primary road system a road beginning at Bascom Harris' place on Sharon Grove and Lewisburg Road and extending to top of Antioch Hill, a distance of about $1\frac{1}{2}$ miles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as a part of the primary road system of the Commonwealth of Kentucky a road beginning at what is known as the Bascom Harris place on Sharon Grove and Lewisburg Road to top of Antioch Hill in Logan County, Kentucky, a distance of about one and one-half miles.

To Committee on Roads and Highways No. 2.

By. Mr. Brown:

H. B. 183. An Act providing that all State building shall be let to the lowest and best bidder, after due advertising for sealed bids, which shall be opened and read in public by person, persons or agency charged with execution of any such building; reserving right to reject any and all bids, where deemed unsatisfactory; prescribing manner of advertising for bids; providing that any person, persons or agency in charge of such building may contract privately or otherwise arrange for any such building on more beneficial terms to State than the lowest and best bid received, or may advertise for other bids, in their discretion; defining State building; and repealing all laws or parts of laws in conflict herewith to extent of any such conflict.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any and all public building of the State of Kentucky shall be done by contract let to person or persons having the lowest and best bid, which shall be made by sealed proposal in writing and shall be opened and read in public presence, after due advertising for bids by the person, persons or agency charged with any such State building. Those in charge of any such State building shall have the right to reject any and all bids deemed unsatisfactory to them, and thereafter may contract privately for said building, or may arrange for same to be done by force account by the State or make other arrangement for such building; provided, however, no private contract shall be so made unless it shall appear that such private contract for State building is made on terms more beneficial to the State than the lowest and best bid received for same work at any such public letting, or those in charge may readvertise for other bids in same manner as at original letting.

§ 2. The advertising for bids shall fix the time and place for receiving bids, and in a brief general way shall describe

the building to be done and shall state where complete and well-engineered plans for such building can be examined and who has said building in charge. Said advertising shall be published in some newspaper of general circulation in this State and also in a paper of general circulation in the county where any such building is to be done, and all such advertising shall be published not more than twenty nor less than ten days prior to any such public letting.

§ 3. The term "state building" as used herein shall include any and all public buildings or housing structures erected with State funds and to be used for State purposes.

§ 4. All laws or parts of laws in conflict herewith are hereby repealed to the extent of any such conflict.

By Mr. Ward:

H. B. 184. An Act to regulate the practice of professional engineering; creating a State Board of Registration for Professional Engineers; defining its duties and powers; also imposing certain duties upon the Commonwealth and political subdivisions thereof in connection with public work; and providing penalties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. General Provisions—Any person practicing or offering to practice the profession of engineering shall hereafter be required to submit evidence that he is qualified so to practice and shall be registered as hereinafter provided; and it shall be unlawful for any person to practice or to offer to practice the profession of engineering in this state, or to use in connection with his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a professional engineer, unless such person has

been duly registered or exempted under the provisions of this act.

§ 2. Definitions—The term “professional engineer” as used in this act shall mean a person who, by reason of his knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in engineering practice.

The term “board” as used in this act shall mean the State Board of Registration for Professional Engineers, provided for by this act.

§ 3. State Board of Registration for Professional Engineers—Appointment of Members—Terms—A State Board of Registration for Professional Engineers is hereby created whose duty it shall be to administer the provisions of this act. The board shall consist of five professional engineers, as defined in Section 2, who shall be appointed by the Governor and who shall have the qualifications required by Section 4 of this act. The members of the first board shall be appointed within ninety days after the passage of this act, to serve for the following terms: One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. Every member of the board shall receive a certificate of his appointment from the Governor and before beginning his term of office shall file with the Secretary of State his written oath or affirmation for the faithful discharge of his official duty. Each member of the board first appointed hereunder shall receive a certificate of registration under this act from said board. On the expiration of the term of any member, the Governor shall in the manner hereinbefore provided appoint for a term of five years a registered professional engineer, having the qualifications required by Section 4, to take the place of the member whose term on said board is about to expire. Each member shall hold office until the

expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified.

§ 4. Qualifications of Members of Board—Each member of the board shall be a citizen of the United States and a resident of this state for at least five years, and shall have been engaged in the practice of the profession of engineering for at least twelve years, and shall have been in responsible charge of important engineering work for at least five years. Responsible charge of engineering teaching may be construed as responsible charge of important engineering work.

§ 5. Compensation and Expenses of Board Members—Each member of the board shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this act, but shall receive no other financial compensation.

§ 6. Removal of Members of Board—Vacancies—The Governor may remove any member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the Governor as provided in Section 3.

§ 7. Organization and Meetings of the Board—The board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such time as the by-laws of the board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The board shall elect or appoint annually the following officers: A chairman, a vice chairman and a secretary. A quorum of the board shall consist of not less than three members.

§ 8. Powers of the Board—The board shall have the power to make all by-laws and rules, not inconsistent with the Constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the

regulations of the proceedings before it. The board shall adopt and have an official seal.

In carrying into effect the provisions of this act, the board may, under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in a case involving the revocation of registration or practicing or offering to practice without registration. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the board may present its petition to the circuit court held in Frankfort, Kentucky, setting forth the facts, and thereupon such circuit court shall, in a proper case, issue its subpoena to such person, requiring his attendance before such circuit court and there to testify or to produce such books, papers and documents, as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey the subpoena or order of the said circuit court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the said circuit court.

§ 9. Receipts and Disbursements—The secretary of the board shall receive and account for all money derived under the provisions of this act, and shall pay the same monthly to the State Treasurer, who shall keep such moneys in separate fund to be known as the "Professional Engineers' Fund." Such fund shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only by warrant of the State Auditor upon the State Treasurer, upon itemized vouchers, approved by the chairman and attested by the secretary of the board. All moneys in the "Professional Engineers' Fund" are hereby specifically appropriated for the use of the board. The secretary of the board shall give a surety bond to this state in such sum as the board may determine. The premium on said bond shall be regarded as a proper and

necessary expense of the board, and shall be paid out of the "Professional Engineers' Fund." The secretary of the board shall receive such salary as the board shall determine in addition to the expenses provided for in Section 5. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this act, including the expenses of the board's delegates to annual convention of, and membership dues to, the National Council of State Boards of Engineering Examiners. Under no circumstances shall the total amount of warrants issued by the State Auditor in payment of the expenses and compensation provided for in this act exceed the amount of the examination and registration fees collected as herein provided.

§ 10. Records and Reports—The Board shall keep a record of its proceedings and a register of all applications for registration, which register shall show (a) the name, age and residence of each applicant; (b) the date of the application; (c) the place of business of such applicant; (d) his educational and other qualifications; (e) whether or not an examination was required; (f) whether the applicant was rejected; (g) whether a certificate of registration was granted; (h) the date of the action of the board; and (i) such other information as may be deemed necessary by the Board.

The records of the Board shall be prima facie evidence of the proceedings of the Board set forth therein, and a transcript thereof, duly certified by the Secretary of the Board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

Annually, as of June 30, the Board shall submit to the Governor a report of its transactions of the preceding year, and shall also transmit to him a complete statement of the receipts and expenditures of the Board, attested by affidavits of its Chairman and its Secretary.

§ 11. Roster of Registered Engineers—A roster showing the names and places of business of all registered professional engineers shall be prepared by the Secretary of the Board during the month of July of each year, commencing one year from the date this law becomes effective. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of State, and furnished to the public upon request.

§ 12. General Requirements for Registration—The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a professional engineer, to wit:

As a Professional Engineer:

a. Graduation from an approved course in engineering of four years or more in a school or college approved by the Board as of satisfactory standing; and a specific record of an additional four years or more of active practice in engineering work of a character satisfactory to the board, and indicating that the applicant is competent to be placed in responsible charge of such work; or

b. Successfully passing a written, oral, or written and oral examination designed to show knowledge and skill approximating that attained through graduation from an approval four-year engineering course; and a specific record of eight years or more of active practice in engineering work of a character satisfactory to the Board and indicating that the applicant is competent to be placed in responsible charge of such work.

At any time within three years after this act becomes effective the Board may accept as evidence that the applicant is qualified for registration as a professional engineer a specific record of twelve years or more of lawful active practice in engineering work of a character satisfactory to the Board and indicating that the applicant is qualified to design or to supervise construction of engineering works and has had responsible charge of important engineering work for at least five

years and provided applicant is not less than thirty-five years of age.

After this act shall have been in effect three years, the Board shall issue Certificates of Registration only to those applicants who meet the requirements of Section 12, (a) or (b), or Section 21.

Provided, that no person shall be eligible for registration as a professional engineer, who is not of good character and reputation.

In considering the qualifications of applicants, responsible charge of engineering teaching may be construed as responsible charge of engineering work. The satisfactory completion of each year of an approved course in engineering in a school or college approved by the Board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of active practice. Graduation in a course other than engineering from a college or university of recognized standing shall be considered as equivalent to two years of active practice; provided, however, that no applicant shall receive credit for more than four years of active practice because of educational qualifications. The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be active practice in engineering work.

Any person having the necessary qualifications prescribed in this act to entitle him to registration shall be eligible for such registration though he may not be practicing his profession at the time of making his application.

§ 13. Applications and Registration Fees—Applications for registration shall be on forms prescribed and furnished by the Board, shall contain statements made under oath, showing the applicant's education and detail summary of his technical work, and shall contain not less than five references, of whom three or more shall be professional engineers having personal knowledge of his engineering experience.

The registration fee for professional engineers shall be twenty dollars (\$20.00), ten dollars (\$10.00) of which shall accompany application, the remaining ten dollars (\$10.00) to be paid upon issuance of certificate. When a Certificate of Qualification issued by the National Bureau of Engineering Registration is accepted as evidence of qualification, the total fee for registration as professional engineer shall be ten dollars (\$10.00).

§ 14. Examinations—When examinations are required, they shall be held at such times and place as the Board shall determine. The scope of the examinations and the methods of procedure shall be prescribed by the Board with special references to the applicant's ability to design and supervise engineering works, which shall insure the safety of life, health, and property. Examinations shall be given for the purpose of determining the qualifications of applicants for registration in professional engineering. A candidate failing on examination may apply for re-examination at the expiration of six months and will be re-examined without payment of additional fee. Subsequent examination will be granted upon payment of a fee to be determined by the Board.

§ 15. Certificates, Seals—The Board shall issue a certificate or registration upon payment of registration fee as provided for in this act, to any applicant who, in the opinion of the Board, has satisfactorily met all the requirements of this act. In case of a registered engineer, the certificate shall authorize the practice of "professional engineering." Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the Chairman and the Secretary of the Board under seal of the Board.

The issuance of a certificate of registration by this Board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer, while the said certificate remains unrevoked or unexpired,

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the Board, bearing the registrant's name and the legend, "Registered Professional Engineer". Plans, specifications, plats, and reports issued by a registrant shall be stamped with the said seal and when filed with public authorities, during the life of the registrant's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or reissued.

§ 16. Expirations and Renewals—Certificates of registrant shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the Secretary of the Board to notify every person registered under this Act, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of such fee as may be fixed by the Board, not to exceed ten dollars (\$10.00). The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten per cent for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

§ 17. Firms, Partnerships, Corporations, and Joint Stock Associations—A firm, or a co-partnership, or a corporation, or a joint stock association may engage in the practice of professional engineering in this state; provided such practice is carried on by professional engineers, registered in this state,

§ 18. Practitioners at Time Act Becomes Effective—At any time within six months after this Act becomes effective, upon due application therefor and the payment of the registration fee of twenty dollars (\$20.00) for professional engineers, the Board shall issue a certificate of registration, without oral or written examination, to any professional engineer who shall submit evidence under oath satisfactory to the Board that he is of good character, has been a resident of the state of Kentucky for at least one year immediately preceding the date of his application, and had been practicing professional engineering as his principal vocation, for at least one year prior to the date this Act became effective, and has had responsible charge of work of a character satisfactory to the Board.

After this Act shall have been in effect one year, the Board shall issue certificates of registration only as provided for in Section 12 or Section 21 thereof.

§ 19. Public Work—After the first day of January, one thousand nine hundred and thirty-seven, it shall be unlawful for this state, or for any of its political subdivisions, any county, city, or town to engage in the construction of any public work involving professional engineering, unless the plans and specifications and estimates have been prepared by, and the construction executed under the direct supervision of, a registered professional engineer; or of a registered architect, provided, that nothing in this Section shall be held to apply to any public work wherein the contemplated expenditure for the completed project does not exceed two thousand dollars (\$2,000.00).

§ 20. Exemptions—The following persons shall be exempt from the provisions of this Act, to-wit:

(a) Any employee, or a subordinate of a person holding a certificate of registration under this Act, or an employee of a person exempted from registration by this Section, or by any regulations set up by the Board; provided, his practice does not include responsible charge of design or supervision,

(b) Officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for said Government.

(c) All elective officers of the state, county or other political subdivision, while carrying out the duties of the office to which he was elected.

(d) An engineer engaged solely as an officer or employee of a privately owned public utility; or as an officer or employee of a corporation engaged in interstate commerce as defined in the Act of Congress entitled "an act to regulate commerce" approved February fourth, one thousand eight hundred and eighty-seven as amended.

§ 21. Reciprocity—The Board shall have the power to set up all regulations governing reciprocity, and may, upon application therefor, and the payment of a fee of ten dollars (\$10.00), issue a Certificate of Registration as a Professional Engineer to any person who holds a Certificate of Qualification or Registration issued to him by proper authority of the National Council of State Boards of Engineering Examiners, or of the National Bureau of Engineering Registration, or of any State or Territory or Possession of the United States, or any country, provided that the requirements for the registration of professional engineers under which said Certificate of Qualification or Registration was issued do not conflict with the provisions of this Act, are in accordance with the Board's regulations governing reciprocity, and are of a standard not lower than that specified in Section 12 of this Act.

§ 22. Revocations and Re-Issuances of Certificates—The Board shall have power to revoke the certificate of registration of any registrant who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration;

(b) Any gross negligence, incompetency, or misconduct in the practice of professional engineering as a registered professional engineer;

(c) The violation of the rules or regulations of the Board.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing, and shall be sworn to by the person making them and shall be filed with the Secretary of the Board.

All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they shall have been preferred.

The time and place for said hearing shall be fixed by the Board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registrant, at least thirty days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

If, after such hearing, three or more members of the Board vote in favor of finding the accused guilty, the Board shall revoke the certificate of registration of such registered professional engineer.

The Board, for reasons it may deem sufficient, may re-issue a certificate of registration to any person whose certificate has been revoked, providing three or more members of the Board vote in favor of such re-issuance. A new certificate of registration, to replace any certificate, revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the Board, and a charge of three dollars (\$3.00) shall be made for such issuance.

§ 23. Violations and Penalties—Any person who shall practice, or offer to practice, the profession of engineering in this state without being registered or exempted in accordance with the provisions of this Act, or any person presenting or attempting to use as his own the certificate of registration or

the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked certificate of registration, or any person who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and shall upon conviction, be sentenced to pay a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or suffer imprisonment for a period not exceeding three months or both.

It shall be the duty of all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of this Act and to prosecute any persons violating same. The Attorney General of the state or his assistant shall act as legal adviser of the Board and render such legal assistance as may be necessary in carrying out the provisions of this Act.

§ 24. Quarters—Suitable office quarters shall be provided by the state for the use of the Board in the City of Frankfort.

§ 25. Printing—All necessary printing required by the Board shall be executed under the State printing contract and approved by the State Printing Commission.

§ 26. Saving Clause—Nothing in this Act shall be construed as excluding a registered architect from such engineering practice as may be incident to the practice of his profession; or as excluding a professional engineer registered under the provisions of this Act from such architectural practice as may be incident to the practice of professional engineering.

§ 27. Invalid Sections—If any Section or Sections of this Act shall be declared unconstitutional or invalid, this shall not invalidate any other Section of this Act.

§ 28. Repeal of Conflicting Legislation—All laws or

parts of laws in conflict with the provisions of this Act shall be, and the same are hereby repealed.

By Mr. Ward:

H. B. 185. An Act adding to the primary system of public roads of the Commonwealth of Kentucky and making parts thereof all duly recognized roads and highways in the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All roads and highways of the Commonwealth of Kentucky which heretofore have been recognized as public thoroughfares by the governing bodies of the various counties of the Commonwealth and which are now being used by the public as same are hereby established as parts of the primary system of state highways of the Commonwealth of Kentucky.

§ 2. The construction, maintenance, supervision and control of said roads shall be subject to and controlled by all the terms and conditions set out and provided by the laws of the Commonwealth of Kentucky governing the construction, maintenance, supervision and control of public highways by the State Highway Commission.

§ 3. All laws or parts of laws in conflict with this act are hereby repealed to the extent of such conflict.

To Committee on Kentucky Statutes No. 1.

By same:

H. B. 186. An Act to amend and re-enact Section 2 of the gasoline tax law, being Section 2 of Chapter 150 of the 1932 Acts of the General Assembly of Kentucky, relating to

revenue and taxation and being Section 4224b-2 of the Kentucky Statutes as shown by Baldwin's 1933 Supplement to Carroll's Kentucky Statutes, 1930 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2 of the gasoline tax law, being Section 2 of Chapter 150 of the 1932 Acts of the General Assembly of Kentucky, relating to revenue and taxation, and being Section 4224b-2 of Carroll's Kentucky Statutes, 1930 Edition, be, and the same hereby is, amended and re-enacted so that the same when amended and re-enacted shall read as follows:

§ 2. All taxes collected under the provisions of this Act shall be paid into the State Treasury and shall be used only for the following purposes, to wit:

Approximately ninety per centum thereof for the purpose of the construction, reconstruction, maintenance and repair of roads, highways and bridges; and,

Not less than ten per centum thereof shall be expended in the cities and towns of the State and such expenditures shall be for the following purposes:

(a) The construction and reconstruction of state highways, or connecting links or continuations of same, within the cities (including bridges and other necessary structures).

(b) The construction, reconstruction and maintenance of a system of arterial streets or thoroughfares (other than state highways) in the cities.

(c) The payment of engineering costs and all other proper expenditures in connection with all such work heretofore described.

So far as practicable, priority in the use of said taxes apportioned to the cities shall be given to the construction and reconstruction of state highways within the cities.

By Mr. Lee:

H. B. 187. An Act relating to renewal of embalmers and undertakers license and the fees therefor, repealing, amending, and re-enacting Section 1599a-10, Chapter 42-a, Carroll's Kentucky Statutes, 1930 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1599a-10, Chapter 42-a, Carroll's Kentucky Statutes, 1930 Edition, be repealed, amended, and re-enacted so that said Section when re-enacted will read as follows:

a. Every registered embalmer and undertaker who shall desire to continue the practice of his profession shall annually during the time he shall continue in such practice have such license renewed by making and filing with the Secretary of said Board an application thereof within thirty (30) days preceding the expiration of his license upon blanks prescribed by said board, and upon payment of two (\$2.00) dollars renewal fee.

b. Any embalmer or undertaker who fails to pay renewal fee for a period of more than thirty (30) days after the expiration of his license receipt shall pay a penalty of twenty (20%) per cent upon same and in addition to the regular renewal fee.

c. Any practicing embalmer or undertaker who shall allow his renewal license fee to remain unpaid for a term of one year, or any embalmer or undertaker who is not practicing his profession and allows his renewal license fee to remain unpaid for a period of five (5) years from date of expiration of his last license receipt may be required by a summons to appear before said board to show cause why said license should not be revoked, and upon failure to heed such summons such license shall stand revoked.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

By Mr. McGlothen:

H. B. 188. An Act to amend and re-enact sub-sections 98a-2 and sub-section 98a-5 of Section 98 of Carroll's Kentucky Statutes, same being an Act of the Kentucky Legislature at its 1918 Session; and being Chapter 131 at page 559 of the Acts of said Legislature, regulating the qualifications and admission to practice law of applicants in the State of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sub-section a-2 and sub-section a-5, of Section 98 of Carroll's Kentucky Statutes, same being sub-section a-2 and sub-section a-5 of the Acts of the General Assembly of Kentucky, 1918, regulating and prescribing the rules for admission of applicants to practice law in the courts of the State of Kentucky, be amended and re-enacted so that said sub-sections shall read as follows:

98a-2: The Court of Appeals of Kentucky shall from time to time make and adopt such rules and regulations as the said Court may see proper, fixing the moral qualifications of applicants and standard of acquirements, academic, legal and official service to entitle them to admission to practice law in the courts of this Commonwealth. No applicant, however, shall be under the age of twenty-one years.

98a-5: Applicants who may appear before the board for license to practice law shall be examined as to their qualifications. All such examinations shall be in writing and be on such subjects as shall be prescribed by said Court of Appeals and the answers of the applicants to the questions propounded to them shall be graded by said board and no such

applicant shall be granted a license unless he secures a general average of seventy-five (75) per cent. The board shall certify to the said court the name of each applicant who shall have passed the required examination before it. The said court shall enter licensing and admitting to practice as attorney and counselor-at-law in all courts of this State, each person who complies with the rules and regulations it shall adopt which license, if procured by fraud may be revoked by court at any time within two years from the date of its issuance. The applicant before beginning the practice of law shall take the oath as now required. However, any applicant who shall have been a teacher in the common schools of this State for at least four years, and shall possess the required moral qualification, and have served as county judge or circuit court clerk for at least one full term of four years in any one of the counties of this State, and shall have served one full term of two years as a member of the General Assembly of this State, and in addition, have a certificate of graduation from an accredited law college or accredited correspondence law college showing two years study on a prescribed course of law, and shall file with the board of examiners of this State, certificates of the foregoing requirements, such applicant shall be deemed to have all the academic and legal requirements of this Act and shall be eligible to and shall upon his application accompanied by the foregoing, be admitted to examination before said board.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

By Mr. Baker:

H. B. 189. An Act to subject to execution and garnishment salaries of State, County and municipal employees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That salaries or sum due state, county and municipal employees shall be subject to attachment or garnishment the same as if such salaries or sums were due from an individual.

By Mr. Myers:

H. B. 190. An Act providing for the construction of a Court of Appeals building, and the financing thereof, and the creation of a Commission of the Court of Appeals building, and authorizing it to govern, administer, and control the construction, financing, occupancy, maintenance and renting of said building; defining the powers of said Commission; providing for the financing of said building by the issuance of negotiable bonds and for the retirement of said bonds from revenue collected from said building; providing for the renting thereof to certain officials of the Commonwealth, and the maximum rent to be charged therefor, and fixing the funds from which said officials shall pay said rent; and authorizing the conveyance of certain real estate to said Commission for the purposes of constructing said building upon same; and defining in general the duties of said Commission and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for purpose of providing a building and suitable and permanent offices for the Judges, Commissioners, and Attaches, of the Court of Appeals, Court Room, Conference Room, Law Library, Clerk of the Court of Appeals, and the Attorney General and his assistants, there is hereby created a Commission for construction of Court of Appeals

Building, of five members, one of whom shall be Secretary of the Finance and Budgetary Control Board of the Commonwealth of Kentucky to be known as the Court of Appeals Building Commission. Said members shall be appointed by the Governor of the Commonwealth of Kentucky and shall hold their office for four years from the first day of April next succeeding their appointment and until their successors are duly appointed and qualified, except that in case of a vacancy appointments shall be made in like manner as regular appointments, but such appointees shall hold office for the unexpired terms only.

§ 2. The Board shall hold its first meeting within thirty days after appointment of members and each member shall take an oath to faithfully discharge his duties. At this meeting a Chairman, Vice Chairman and Secretary shall be elected. Each Board shall appoint a Treasurer and such officers or employees as it may deem necessary to carry out the provisions of this act.

Before any person can be appointed a member he must have had a residence within the Commonwealth for two years, be at least (30) thirty years of age.

No member of the Board shall draw any salaries for services as such, but shall be reimbursed for necessary expenses made in going to and from each meeting of the Board. Such expense shall be paid out of the funds appropriated for the Commission, or received by it as rent from said building constructed and controlled by it.

§ 3. The government, administration and control of the construction, financing, occupancy, maintenance and renting of any building authorized to be constructed by this Act, is hereby vested in said Board, which when its members have been appointed and qualified, shall constitute a body corporate and shall have perpetual succession with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive any legal mode of conveyance of property of any description, and to have and to hold and

enjoy the same; to receive grants of money and expend the same for the use and benefit of the Court of Appeals Building, and to convey or rent any real estate or equipment belonging to it, but the proceeds therefrom to be used first in retiring any indebtedness of said Board, if any, and then for the use and benefit of the Court of Appeals Building; to make and use a corporate seal; to adopt by-laws, rules and regulations, to designate a depository for its funds and for bonds therefor.

Said Commission or Board is hereby empowered and authorized to acquire or purchase real estate and to erect, with necessary appurtenances, a building to be used for the purposes set forth in Section One of this Act, for the purpose of supplying the officials, set forth in said Section One, with suitable quarters and equipment.

§ 4. For the purposes of defraying the cost of acquiring, such real estate, if any be necessary to be acquired, and to construct and equip such building, the Commission is hereby authorized to borrow money, not exceeding (\$500,000.00) Five Hundred Thousand Dollars from the Public Works Administration or other agency of the Federal Government, or any financial institution at an interest rate, not exceeding (6%) six per cent and to issue negotiable bonds, providing no such bonds shall be issued unless and until authorized by a resolution specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest and providing further that proposed building, appurtenances and equipment are to be acquired and constructed pursuant to the provisions of this Act.

All bonds under the provisions of this Act may be issued bearing interest at a rate not exceeding (6%) six per cent, payable semi-annually, and shall be executed in such manner and payable at such times, not exceeding forty years, from the date thereof, and at such place or places as such Commission shall determine.

All moneys received from any bonds issued pursuant

hereto shall be applied solely to the establishment or erection of such buildings and necessary appurtenances thereto, provided such moneys may be used also to advance the payment of the interest on bonds during the first three years following the date of such bonds. And there shall be and there is hereby created a statutory mortgage lien upon the buildings and appurtenances so acquired to and in favor of the holders of said bonds and each of them and to and in favor of the holders of the coupons of said bonds.

The buildings so acquired and the appurtenances thereto, shall remain subject to such statutory lien until the payment in full of the principal and interest of the bonds. Any holder of said bonds or of any of the coupons may, either at law or in equity, protect and enforce the statutory mortgage lien hereby conferred and may by suit, action, mandamus or other proceedings, enforce and compel performance of all duties required by this Act, including the making and collecting of sufficient rates, the segregation of the income and revenue, and the application thereof.

At or before the issuance of such bonds the Commission, by resolution, shall set aside and pledge the income and revenue of such buildings into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance thereof, including a sufficient sum to pay the expenses of said Commission and to pay the cost of insuring such building and equipment against loss or damage by fire, windstorm or other calamity in such sums as may be acceptable to the purchaser or purchasers of such bonds.

Said resolution shall fix the rent to be imposed in connection with occupancy of such building and shall definitely determine and fix the amount of such income to be applied to maintenance, insurance, expense of Commission and necessary to meet the payment of interest and principal on said bonds. Such rent shall be equal to a sum sufficient to provide the payment of interest on all bonds and to create a sinking fund to pay the principal thereof as and when the same

becomes due and to provide for the operation and maintenance thereof. Such rents shall be revised from time to time so as to produce the sum annually required.

Such Commission may issue refunding bonds for the purpose of providing funds for the payment of outstanding bonds, in accordance with the procedure prescribed in Act, secured to the same extent with the same source of payment as the bonds which shall have been thereby refunded.

§ 5. Such Commission in acquiring any land or building under this Act, may provide by resolution any such provision and stipulation for the administration of the building and the income and for the security of the bondholders as the Commission may deem necessary; Provided, that the sinking fund, which shall be provided by resolution as hereinbefore required, shall be deposited in a depository selected by such Commission which deposit, where practicable, may be continuously secured by a pledge to the Commission of direct obligations of the States of America, exclusive of interest, at all times equal to the amount on deposit in such account, or in such other manner acceptable to the purchaser or holder of such bonds. Such securities shall either be held by the Commission or by a trustee satisfactory to it. Such sinking fund may be invested in direct obligations of the United States of America.

Such bonds shall be obligations only of such Commission payable from the revenues of such building provided by rental, as hereinbefore provided in this Act, and in no event shall they be considered a debt for which the full faith and credit of the Commonwealth is pledged. Any such resolution shall constitute a contract between the Commission with the purchaser or holder of the bond or bonds, coupon or coupons and shall be binding in all respects upon such Commission, and their successors, which contract may be enforced in the manner and form hereinabove provided.

§ 6. No proceeding shall be required for the construction or acquisition of any such buildings hereunder, except as

provided in this Act, any provision of the laws of the Commonwealth notwithstanding.

§ 7. Said Commission shall rent said building to the Court of Appeals, the Clerk of the Court of Appeals, the Attorney General and the Law Librarian, for a proportionate part of the sum necessary as provided for in Section 4 of this Act, in accordance with the space occupied by such respective officials.

The Court of Appeals shall pay from its budgeted funds the rent so fixed as its proportionate part, the Clerk of Court of Appeals shall pay from his budgeted funds the rent fixed as his proportionate part, the Attorney General shall pay from his budgeted funds the rent so fixed as his proportionate part, and the Law Librarian shall pay from her budgeted funds the rent so fixed as her proportionate part.

Said officials shall occupy upon the completion of said building the quarters so rented for the period of forty years and the rent shall be paid from their respective budgeted funds until the bonded debt has been retired or for said period of forty years.

§ 8. Upon the retirement of said bonded and any other indebtedness on said building, the Commission shall cease to function and their offices by resolution of the Commission setting forth the debt is paid and their duties completed shall automatically abolish the Commission upon a copy thereof being filed with the Secretary of State of the Commonwealth.

§ 9. Immediately upon the qualification of the Commission, said Commission shall employ a landscape architect and building architect to consult with them and to prepare plans for the construction of, and location of, said building on the Capitol Grounds, or property adjacent thereto, and shall provide in the contracts with said architects that said building shall be so located and so constructed as to harmonize with the architecture of the Capital building and the Governor's Mansion. And further they shall provide in said contract

that the fee of such architects shall be contingent upon the actual construction of the building.

Upon said building being located, and the grounds sufficient for its location being determined, said Commission shall deliver a survey of such ground, and a description thereof, to the Board of Public Property of the Commonwealth of Kentucky, and the Board of Public Property is hereby authorized for and on behalf of the Commonwealth of Kentucky to execute a deed conveying title in fee simple to such property so described to the Commission created by this act, with the provision in said deed that when the bonded indebtedness against said property is fully paid, that the title of said real estate and the building erected thereon shall revert to, and become, the property of the Commonwealth of Kentucky.

§ 10. The sections and provisions of this act are separate and are not matters mutually essential one to the other, and it is the intention to confer the whole or any part of the powers herein provided for, and if any of the sections or provisions or parts thereof are for any reason illegal, it is the intention that the remaining sections and provisions or the parts thereof shall remain in full force and effect.

§ 11. The P. W. A. funds being rapidly exhausted and the State, may unless application is quickly made, lose its opportunity to obtain an outright grant of 45% of the total cost of construction, and the Capital Building being fully occupied and numerous State agencies renting buildings in the City of Frankfort, an emergency is declared to exist and this act shall become effective immediately upon its adoption by the General Assembly and approval by the Governor.

By Mr. Williams:

H. B. 191. An Act establishing as part of the primary system of State highways, a road beginning at Ham Skile's pond on Bowling Green and Woodburn road and running to

Bowling Green and Scottsville highway and Allen Springs by way of Old Union Church and Boyce.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at Ham Skile's pond, in Warren County, on Bowling Green and Woodburn road and running to Bowling Green and Scottsville highway and Allen Springs by way of Old Union Church and Boyce.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways, to the same effect as if road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

To Committee on Roads and Highways No. 2.

By same:

H. B. 192. An Act establishing a road as part of the primary system of State highways a road beginning at Massey's Mill bridge in Warren County and running to the Simpson County line by way of Charles Duncan's store.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at Massey's Mill Bridge in War-

ren County and running to Simpson County line by way of Charles Duncan's Store.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

To Committee on Roads and Highways No. 2.

By Mr. Williams:

H. B. 193. An Act establishing as part of the primary system of State highways a road beginning at Glasgow road in Warren County near Sunnyside and running by way of Sunnyside to Bethel Church.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at Glasgow road in Warren County near Sunnyside and running by way of Sunnyside to Bethel Church.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

To Committee on Roads and Highways No. 2.

By Mr. Claxon:

H. B. 194. An Act to add to the primary system of highways a road from Cynthiana to a point on United States Highway No. 227 near Sutersville in Scott County by way of the White Oak road to the intersection of Sadieville-Hinton pike and thence over the most direct route through Stonewall and to said junction.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby added to the primary system of state highways a road from Cynthiana to a point on United States Highway No. 227 near Sutersville in Scott County by way of the White Oak road to the intersection of Sadieville-Hinton pike and thence over the most direct route through Stonewall and to said junction.

To Committee on Roads and Highways No. 2.

By Mr. Gnau:

H. B. 195. An Act to amend and re-enact Section 125b-1, Carroll's Kentucky Statutes (Act 1908, c. 33, p. 90, Sec. 1), entitled, "Detectives to be appointed by Commonwealth's Attorney in Counties in this Commonwealth having a population of 150,000 or over."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 125b-1, Carroll's Kentucky Statutes (an Act of 1908, c. 33, p. 90, Sec. 1), entitled "Detectives to

be appointed by Commonwealth's attorney in Counties in this Commonwealth having a population of 150,000 or over", be amended and re-enacted so as to read as follows:

"That in all counties in this Commonwealth having a population of 150,000 or over, there is hereby created the office of district detectives to the Commonwealth's Attorney. Said district detectives shall be four in number and shall be appointed by the Commonwealth's Attorney for a term of four years, but may be removed at any time by said Commonwealth's Attorney.

"That at least one district detective shall have had at the time of his appointment not less than five (5) years actual and active practical experience in the line of crime prevention and investigation of crime, and shall be known officially as '*Special Investigator* to the Commonwealth Attorney.' Salary \$2,400, per annum.

"All acts and parts of acts in conflict herewith are hereby repealed."

To Committee on Roads and Highways No. 2.

By Mr. Shehan:

H. B. 196. An Act fixing and defining a part of the boundary line between the Counties of Bell and Harlan as set forth in Chapter 1553 of the Acts of 1867 and Chapter 514 of the Acts of 1873 and so amending such Acts as to so define and so fix said line.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That, whereas Chapter 1553 of the Acts of the General Assembly of 1867 which established the County of Josh Bell now Bell County and the Acts of the General Assembly of

1873, Chapter 514, which attempted to define the boundary line between the Counties of Harlan and Bell are so vague, indefinite and ambiguous as to render uncertain the location of a part of the boundary line between said Counties and that it is important that the boundary line between the said Counties be clearly defined and fixed, that the said Acts of the said General Assembly be and they are hereby so amended as to definitely fix and define said lines and that the said descriptions contained in said Acts for said purposes be and they are hereby amended and, in so far as necessary therefor, are repealed so that the said descriptions when so amended read as follows:

“Beginning (as in said Acts set forth) at the narrows on Cumberland River about one (1) mile above the former residence of C. J. Calloway, which beginning is one-half ($\frac{1}{2}$) mile above the winding stairs and is on a line of the lands formerly belonging to Wilson B. Saylor and which is at a point about 400 feet below the swinging bridge; thence South $11^{\circ} 59'$ East 530 feet which is with the line formerly between Wm. G. Howard and Wm. S. Howard and which was later the line of Wilson B. Saylor to a point on a top of a cliff; thence with the crest of the ridge and the former line of said Saylor South 76-06 East 315.5 feet; thence South 70-29 East 165.3 feet; thence South 55-30 East 209.1 feet; thence South 16-25 East 137.4 feet; thence South 0-26 East 168.6 feet; thence South 9-28 East 139.4 feet; thence South 34-56 East 100.7 feet; thence South 36-53 East 92 feet to a 14" hickory; thence South 57-25 East 8838 feet to the hanging rock; thence in a Southerly direction a straight line to a marked stone on the point on the ridge between Black Snake Creek and James Howard Mill Creek to a point 150 feet above the Harlan Seam of coal, said line crossing Pucketts Creek at a point 100 feet above the mouth of Julia's Branch, 1509 feet below the mouth of Rocky Branch and 3041 feet above the mouth of Black Snake Creek; thence along the crest of said ridge with the

meanders thereof to Buck's Butt on top of the mountain between Pucketts Creek and Browneys Creek; thence with said mountain to the head of James Howard's Mill Creek" and that from said last mentioned call the said description shall run as in said former Acts set forth.

Any part or parts of any Acts or laws in conflict with this amendment are hereby repealed.

By C. W. Anderson, Jr.:

H. Res. 23. Joint resolution authorizing Rev. J. L. Madison, the father of Gladys M. Madison, deceased, to file suit against the Commonwealth of Kentucky for damages for the death of said Gladys M. Madison, deceased.

Said resolution is as follows, viz.:

Resolution, authorizing Rev. J. L. Madison, the father of Gladys M. Madison, deceased, to file suit against the Commonwealth of Kentucky for damages for the death of said Gladys M. Madison, deceased.

Whereas, on December 13, 1926, the Dormitory for Girls of the Kentucky Industrial College of Frankfort, Kentucky, was destroyed by fire; and

Whereas, said Gladys M. Madison, one of the students of said College, was burned to death in said building; and

Whereas, J. L. Madison, her father, is a minister of the Gospel and a poor man, and is getting old: Now, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That J. L. Madison, the father of the deceased, Gladys M. Madison, be and he is hereby authorized to file suit and prosecute appropriate action in the Franklin Circuit Court against the Commonwealth of Kentucky for the purpose of determining the amount of damages, if any, he may be entitled to

recover by reason of loss he has suffered by the untimely death of his daughter, Gladys M. Madison.

To Committee on Claims.

By Mr. Byers:

H. Res. 24. Joint Resolution authorizing D. G. Young to sue the Commonwealth of Kentucky and State Highway Commission.

Said Resolution is as follows, viz.:

Resolution, Authorizing D. W. Young to sue the Commonwealth of Kentucky and the State Highway Commission.

Whereas, The State Highway Commission constructed that part of State Highway No. 71 within the corporate limits of the City of Beaver Dam in the year 1934,

Whereas, The said Highway Commission, its agents or employees did raise the levee 18 inches above the old levee,

Whereas, Insufficient openings were made in said levee to carry the water accumulating above the said levee, causing it to dam up,

Whereas, This damned up water accumulated on the grounds of the building of said D. G. Young, thereby causing the said D. G. Young to suffer damage and inconvenience: Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said D. G. Young is hereby granted the privilege to sue the Commonwealth of Kentucky and the State Highway Commission for such damages as he may have sustained. This action may be taken in the Ohio Circuit Court, and in case any judgment is recovered by said D. W. Young in said suit, same shall be paid by the Treasurer of the Commonwealth of Kentucky on a warrant from the Auditor,

Either party to said suit may appeal from any judgment rendered therein and the case may be settled and adjusted with the consent and approval of the Attorney General of the State of Kentucky in the same way as any other civil cases.

To Committee on Claims.

The Speaker announced that he had referred bills heretofore introduced, as follows:

H. B. 152. To Committee on Cities 5th and 6th Class.

H. B. 153. To Committee on Cities 3rd Class.

H. B. 158. To Committee on Bond Issues.

H. B. 159. To Committee on Education No. 1.

H. B. 160. To Committee on Education No. 1.

H. B. 163. To Committee on Education No. 1.

H. B. 165. To Committee on Criminal Law.

H. B. 166. To Committee on Education No. 1.

H. B. 167. To Committee on Railroads.

H. B. 168. To Committee on Railroads.

Mr. McGlothen of the Contest Committee heretofore selected by this House in accordance with the provisions of the Constitution and Statutes of this Commonwealth to hear the contest and to determine the right to a seat in this House from the 96th Legislative District, composed of the counties of Bath and Rowan in the case of J. J. Thomas, Contestant

vs. J. T. Jennings, Contestee, offered the following report,
viz.:

House of Representatives

of the

General Assembly of Kentucky

J. J. Thomas - - - - - Contestant,

vs. REPORT OF CONTEST COMMITTEE

J. T. Jennings - - - - - Contestee.

Your Committee to investigate the contest brought by J. J. Thomas against J. T. Jennings for the Legislative seat of the 96th District composed of the Counties of Rowan and Bath, being duly drawn by lot according to law within three days after the first Assembly of the House for the 1936 Session appeared before the bar of the House and the members were duly sworn by the Speaker, the Hon. John Kirtley.

Now, your committee reports that it has carefully read and considered the record and evidence in this contest and has carefully considered the oral arguments and briefs submitted by the attorneys for both the contestant and contestee, and from a careful consideration of all of same, your committee reports that it finds from the evidence that the election in Rowan County on November 5, 1935, for the office of Representative from the 96th Legislative District was not a free and equal one due to the fact that the contestee and others conspiring with him had secured the presence in Rowan County of a detail of the Kentucky National Guard and also the appointment of special county patrolmen and other armed officers and that such troops and officers acting for and in behalf of the contestee, intimidated, coerced, and deprived the people of Rowan County from exercising a free will in the election of their representative; that troops and armed officers were stationed at a large number of precincts in Rowan County in said election by the contestee and others acting with him,

and that the troops and armed officers were in control of the election in precincts numbered 1, 2, 7, 8, and 10 in Rowan County, and that said troops kept a large number of legally qualified voters from casting their vote for the contestant in said precincts and that by coercion, fraud, and intimidation they caused a large number of voters to cast their vote for the contestee, whereas but for same, they would have cast their vote by the contestant; that by reason of such conduct of the contestee the people in those precincts were deprived of a free and equal election to which they were entitled by the Constitution of the State of Kentucky; that the vote in said precincts as tabulated by the County Election Commission of Rowan County was as follows:

Precinct No.	Jennings	Thomas	Plurality
1	233	209	24
2	313	78	235
7	286	211	75
8	107	104	3
10	395	269	126
	1,334	871	463

That your committee has examined the many cases cited by counsel in briefs and oral arguments and finds that the rule is well established that "the presence of an organized military force stationed at or near the polls has always been regarded as a violation of the freedom of elections and is looked upon with great disfavor"; that the Kentucky Court of Appeals has so held in the case of Scholl v. Bell, 102 S. W., 248; 125 Kentucky, 750; and that the Legislature of Kentucky in a contest case for the office of Governor of Kentucky, in the celebrated case of Goebel v. Taylor, refused to consider the vote cast in an entire county due to the fact that the evidence showed the presence of armed officers. Your committee is of the belief that the people of Rowan County were completely controlled and dominated by military forces during said elec-

tion and were deprived of a free and equal election, particularly precincts 1, 2, 7, 8, and 10 respectively and that the plurality given to the contestee in those five precincts amounting to 463 votes should be excluded from his total vote and that excluding same the contestee will have received the total of 4,055 votes and the contestant will have received a total of 4,437 votes giving the contestant a plurality of 382 votes.

Your contest committee finds from the evidence that the contestee, pursuant to a conspiracy to prevent the people of Rowan County from voting, did procure the removal of the voting place in Precinct No. 1 in Rowan County from the first floor of the court house where it is usually located to the basement thereof; that the people voting in such precinct were required to pass near an open toilet in the basement from which foul and obnoxious odors came forth, and that by reason of the improper location of the voting place by the contestee that a large number of respectable men and women residing in said precinct were prevented and deterred from voting in said election for the contestant.

Your contest committee further finds that the contestee caused a number of roads adjacent to the voting place in Rowan County to be plowed up two or three days immediately preceding the election, so that they were impassable and that a large number of Democratic voters were prevented from going to the voting place and from casting their vote for the contestant.

Your Committee wishes to place its stamp of disapproval upon such illegal and fraudulent conduct as has been proven to have taken place in this case and recommends that this House should refuse and decline to permit anyone to sit as a member of this body who has been guilty of or participated in such conduct as has been established by this record.

Your contest Committee reports that in its opinion the right of the contestant, J. J. Thomas, to be seated by this Honorable Body, as a duly elected, qualified member of the Legislature from the 96th District has been clearly established by

proper procedure and proof; and also that the said J. J. Thomas and J. T. Jennings should receive their actual expenses necessary in this contest, to be allowed and paid as a contingent expense of this House.

Submitted to the Honorable Members of the Kentucky House of Representatives this 17th day of January, 1936.

By Elmer McGlothen, Chairman,
Floyd Clark, Secretary,
W. T. Rollo,
J. Frank Ladd,
R. T. Kirkman,
O. C. Jones,
C. E. Evans.

Dr. Shields moved that the report of said Contest Committee be made a Special Order of the Day for eleven-thirty A. M.

Said motion was agreed to.

The committees to which the same had been previously referred, reported bills of the following titles, viz.:

By Mr. Clay of the Committee on Suffrage and Elections:

H. B. 21. An Act to repeal and re-enact Kentucky Statutes, Section 1475, changing the ways and the rights of blind voters.

S. B. 3. An Act relating to primary elections.

By Mr. Grogan of the Committee on Banks and Banking:

H. B. 40. An Act providing that Building Associations making loans with real estate mortgages as security shall have

a Registered Architect as a member of the Board or Committee on Appraisals, etc.

With a Committee Amendment thereto.

By Mr. Wells of the Committee on State and National Parks:

H. B. 42. An Act authorizing and empowering the State Park Commission to acquire lands, equipment and facilities for park and recreational purposes; etc.

By Mr. Wall of the Committee on Fish and Game:

H. B. 34. An Act to repeal, and re-enact Section 1938 a-5, Carroll's Kentucky Statutes, pertaining to and fixing the time for hunting rabbits.

With a Committee Amendment thereto.

By Mr. Embry of the Committee on Claims:

H. Res. 13. Resolution authorizing F. E. Gross and Mrs. F. E. Gross to sue the Commonwealth of Kentucky and the State Highway Commission.

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolution were read at length, the first time and ordered to be placed on the Calendar.

Mr. Wall of the Committee on Fish and Game, to which the same had been previously referred, reported a bill entitled:

H. B. 36. An Act to repeal sections 1893-1 to 1893-7, Kentucky Statutes, Carroll's 1930 Edition, and Sections 1 and

2 of Chapter 55, Acts of the General Assembly of 1930, relating to fishing license.

With the expression of opinion that said bill ought not to pass.

No further action having been taken by the House and no motion having been made to advance said bill to a reading, the report of the Committee to the contrary notwithstanding, it was ordered that said bill be not read at length the first time.

And so said bill was rejected.

Dr. Shields moved that the rules of this House be suspended for the purpose of the consideration of the Orders of the Day.

Said motion was agreed to.

Thereupon the House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 13. An Act proposing an amendment to the Constitution of the Commonwealth of Kentucky, pertaining to public offices and providing that all constitutional or other public offices in Kentucky in the executive, judicial and legislative departments, except the offices of Governor, Lieutenant Governor, Auditor of Public Accounts, Attorney General, Judges of the Court of Appeals, Circuit Judges and members of the General Assembly, may be abolished or consolidated by the General Assembly, etc.

S. B. 10. An Act repealing Chapter 20 of the Acts of the Extraordinary Session of the General Assembly of 1934 defining motor vehicles classed as trucks, etc.

H. B. 20. An Act authorizing the Kentucky Planning Commission to prepare a business directory of the State of Kentucky.

With Committee Amendments thereto.

H. B. 10. An Act reducing the state tax on gasoline from five cents to four cents per gallon, and repealing and re-enacting Section 4224-b-1, Carroll's Kentucky Statutes, 1930 Edition, etc.

S. B. 9. An Act repealing Chapter 19 of the Acts of the extraordinary session of the General Assembly of 1934 pertaining to passenger automobiles and providing for registration fees of such motor vehicles and amending and re-enacting same and declaring an emergency to exist.

H. B. 30. An Act amending and re-enacting Section 436, Carroll's Kentucky Statutes, 1930 Edition, and defining the duties of constables in this Commonwealth.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only. Ordered that said bills be placed in the Orders of the Day.

A message was received from the Senate announcing that they had passed a resolution which originated in that body, entitled:

S. Res. 14. Resolution providing for additional employees of the Senate.

Ordered that said resolution be printed and referred to Committee on Appropriations No. 2.

And that they had passed resolutions which originated in this House, entitled:

H. Res. 1. Resolution requesting the payment of the Soldiers Bonus by the Congress of the United States.

H. Res. 5. Resolution expressing approval of and urging continuance of a policy of strict neutrality of the United States Government in international disputes not affecting this nation.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 55. An Act authorizing, empowering and directing the Governor to cause to be made an audit, study and survey of Departments, Institutions, Boards, Commissions and Agencies of the Commonwealth; empowering him to employ auditors, accountant, clerks, bookkeepers and any other class of skilled and professional services which, in his judgment, may be necessary and expedient to make said audit, study and survey; defining the scope or character of same and the powers and duties of auditors and others employed for the aforesaid purposes; and appropriating the sum of one hundred and twenty thousand dollars (\$120,000.00) to be used by the Governor in carrying out the purposes of the Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Governor of this Commonwealth hereby is authorized, empowered and directed to cause to be made a full, thorough, comprehensive and complete audit, study and survey of Departments, Institutions, Boards, Commissions and

Agencies of this Commonwealth. To this end he hereby is specifically authorized, empowered and directed to employ and pay such reputable, qualified and experienced auditors, accountants, clerks, bookkeepers and any other class of skilled and professional services which, in his judgment, may be necessary and expedient to carry out, as expeditiously as possible, the duties imposed upon him by this Act, and to authorize, incur and pay such expenses as, in his judgment, may be necessary.

This audit, study and survey herein provided for shall extend back over such period of time as necessary to reveal the true financial condition of the Commonwealth, and of every Department and Agency thereof, and shall be of such character as to ascertain waste, duplication of efforts, useless offices, faulty or inadequate systems of bookkeeping, accounting, improper budgeting, and any and all other facts that may aid in placing the Commonwealth upon a sound financial basis.

From time to time as the work is finished and upon completion of said audit, study and survey, the Governor shall make a report thereof to the General Assembly, together with his recommendations relating thereto.

§ 2. Within a reasonable time after the effective date of this Act, and as soon as practical after any Department, Board, Commission or Agency of the State Government is reorganized, the Governor shall cause to be installed and kept by each Department, Board, Commission and Agency of the Commonwealth of Kentucky, a carefully systematized and well devised plan of filing, bookkeeping and accounting. Said system shall be as nearly uniform as practical and shall be as comprehensive as necessary for the efficient administration and business needs of the respective Departments. As a part of the requirements to be imposed therein, the records of each Department shall be so kept that a full and complete report may be readily and economically prepared and furnished to the Governor monthly, showing in detail all receipts and dis-

bursements and other pertinent information which may be required by the Governor, for the previous month.

§ 3. Any auditor, accountant or other person employed by the Governor under the provisions of this Act shall have the right, when authorized in writing by the Governor, to require information, on oath, from any person or party touching any matters relative to any account which he is required to examine, state or audit. Any auditor, accountant or other person having such written authority from the Governor shall also have free and full access to any and all books, files, records and accounts of each and every Board, Commission, Department and Agency of this Commonwealth necessary or useful for the full and complete performance of the duties to which such person may be assigned by the Governor.

§ 4. There hereby is appropriated out of any funds of the State Treasury not otherwise appropriated the sum of one hundred and twenty thousand dollars (\$120,000.00) to be used by the Governor in performing the duties required and/or authorized by this Act. Said appropriation shall be paid out of the General Fund by the State Treasurer on warrants drawn by the State Auditor on proper certification by the Governor.

§ 5. It is deemed by the General Assembly to be both advisable and necessary that the audits, studies and surveys authorized and provided for by this Act should be made as promptly as possible to aid in the proper and efficient reorganization of the State Government and the proper and efficient administration thereof. An emergency hereby is declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Eugene Gough	Rodes K. Myers
Henry H. Allen	Ben Grogan	J. C. Nickell
C. W. Anderson, Jr.	Jas. T. Hamilton	Russell O'Neill
H. T. Baker	C. L. Hammons	Mel Petry
W. T. Baker	W. L. Hampton, Jr.	A. W. Pfeiffer
G. M. Ballard	Thomas W. Hines	J. C. Ramey
B. F. Bedford	Price Holbrook	Hobart Rayburn
Reuben J. Boling	Clyde S. Howard	Harry C. Records
Douglas Bolling	Ira W. Hulette	L. K. Rice
Ollie J. Bowen	John M. Hunnicut	Wade H. Riley
Wallace Brown	J. T. Jennings	Joe E. Robinson
Jas. C. Carter	Ben W. Johnson	John C. Robinson
Floyd Clark	J. H. Jones	W. T. Rollo
Roscoe Claxon	O. C. Jones	A. W. Ross
George S. Clay	R. T. Kirkman	Carl Scheben
J. A. Coleman	J. F. Ladd	Carl Schneider
Roy Conway	Leslie Larrimore	Ray O. Shehan
Herbert Cook	M. T. McCarthy	Dr. B. F. Shields
Harry Davis	T. B. McConnell	P. L. Sidebottom
Sam Dever	J. L. McDermott	Chester D. Silvers
Stanley S. Dickson	Lloyd MacDonald	Bruce Sloan
George W. Dunlap	W. F. McGary	H. C. Steely
Howard G. Early	Elmer McGlothen	Henry Stewart
Garland Embry	John Marshall	Dr. H. S. Swope
Clarence E. Evans	C. S. Matherly	R. Van Bever, Jr.
Walter R. Fannin	D. T. Matlack	S. J. Wagner
Chas. P. Farnsley	Duke Mayfield	Joseph L. Wall
T. P. Fitzpatrick	G. S. Milam	Henry Ward
H. Myer Garner	W. H. Miller	L. R. Wells
G. W. Garrett	John B. Mollett	W. G. Williams
James Garnett, Jr.	W. E. Mull	Charles Wylie
Ferd A. Gnau	Tyler Munford	

There voted in the negative—

Robert E. Lee

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Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of eleven-thirty o'clock having arrived, that being the hour for the Special Order of the Day, to wit:

The Report of the Contest Committee in the case of J. J. Thomas, Contestant vs. J. T. Jennings, Contestee,

Mr. McGlothen offered the following resolution, viz:

The Contest Committee, having filed its report herein on the contest of J. J. Thomas, Contestant, vs. J. T. Jennings, Contestee, in which the Committee finds that the Contestant, J. J. Thomas is the duly elected and qualified representative from the 96th Legislative District and is entitled to be seated as such duly elected and qualified representative from the said District,

Be It Resolved, That the report of said Committee be and it is hereby approved, ratified and confirmed and that the said J. J. Thomas be and he is hereby adjudged and declared to be the duly elected and qualified member of this House from the 96th Legislative District and that he be given the oath of office and seated as a member of this House from the said District and entitled to all the rights and privileges of other members of this House.

(For report of said Contest Committee, see Journal of today, ante.)

Mr. Gnau moved that said resolution be adopted.

Mr. Hammons moved that the arguments for and against the adoption of said resolution be limited to one hour for each side.

Said motion was agreed to.

Mr. Reuben Boling moved that the Report of said Committee, together with the briefs filed in said case be recommitted and printed for the benefit of the members of this House.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. McGlothen and Shehan were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Jas. T. Hamilton	Russell O'Neill
H. T. Baker	C. L. Hammons	Hobart Rayburn
G. M. Ballard	Thomas W. Hines	Ray O. Shehan
Reuben J. Boling	J. T. Jennings	Chester D. Silvers
Dr. R. A. Byers	J. H. Jones	Bruce Sloan
Jas. C. Carter	Leslie Larrimore	H. C. Steely
J. A. Coleman	Robert E. Lee	Henry Stewart
Harry Davis	Lloyd MacDonald	Dr. H. S. Swope
Garland Embry	C. S. Matherly	R. Van Bever, Jr.
Walter R. Fannin	W. H. Miller	Charles Wylie
G. W. Garrett	John B. Mollett	—32

Those who voted in the negative were—

F. T. Allen	Wallace Brown	Sam Dever
Henry H. Allen	Floyd Clark	Stanley S. Dickson
W. T. Baker	Roscoe Claxon	George W. Dunlap
B. F. Bedford	George S. Clay	Howard G. Early
Douglas Bolling	Roy Conway	Clarence E. Evans
Ollie J. Bowen	Herbert Cook	Chas. P. Farnsley

T. P. Fitzpatrick	T. B. McConnell	Wade H. Riley
James Garnett, Jr.	J. L. McDermott	Joe E. Robinson
Ferd A. Gnau	W. F. McGary	John C. Robinson
Eugene Gough	Elmer McGlothen	W. T. Rollo
Ben Grogan	John Marshall	A. W. Ross
W. L. Hampton, Jr.	D. T. Matlack	Carl Scheben
Price Holbrook	Duke Mayfield	Carl Schneider
Clyde S. Howard	W. E. Mull	Dr. B. F. Shields
Ira W. Hulette	Rodes K. Myers	P. L. Sidebottom
John M. Hunnicut	J. C. Nickell	W. R. Tapp
Ben W. Johnson	Mel Petry	S. J. Wagner
O. C. Jones	A. W. Pfeiffer	Joseph L. Wall
R. T. Kirkman	J. C. Ramey	Henry Ward
J. F. Ladd	Harry C. Records	L. R. Wells
M. T. McCarthy	L. K. Rice	W. G. Williams

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Mr. Shehan moved that the consideration of said resolution be postponed until Tuesday, January 21, at one o'clock P. M.

Said motion was disagreed to.

Said resolution was then adopted.

Mr. McGlothen moved that the vote by which said resolution was adopted, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Said report as offered by the Contest Committee was then approved and adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

F. T. Allen	Ben Grogan	Mel Petry
Henry H. Allen	W. L. Hampton, Jr.	A. W. Pfeiffer
W. T. Baker	Price Holbrook	J. C. Ramey
B. F. Bedford	Clyde S. Howard	Harry C. Records
Douglas Bolling	Ira W. Hulette	L. K. Rice
Ollie J. Bowen	John M. Hunnicut	Wade H. Riley
Wallace Brown	Ben W. Johnson	Joe E. Robinson
Floyd Clark	O. C. Jones	John C. Robinson
Roscoe Claxon	R. T. Kirkman	W. T. Rollo
George S. Clay	J. F. Ladd	A. W. Ross
Roy Conway	M. T. McCarthy	Carl Scheben
Herbert Cook	T. B. McConnell	Carl Schneider
Sam Dever	W. F. McGary	Dr. B. F. Shields
Stanley S. Dickson	Elmer McGlothen	P. L. Sidebottom
George W. Dunlap	John Marshall	W. R. Tapp
Howard G. Early	C. S. Matherly	S. J. Wagner
Clarence E. Evans	D. T. Matlack	Joseph L. Wall
Chas. P. Farnsley	Duke Mayfield	Henry Ward
T. P. Fitzpatrick	W. E. Mull	L. R. Wells
James Garnett, Jr.	Tyler Munford	W. G. Williams
Ferd A. Gnau	Rodes K. Myers	
Eugene Gough	J. C. Nickell	

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Those who voted in the negative were—

C. W. Anderson, Jr.	G. W. Garrett	Russell O'Neill
H. T. Baker	Jas. T. Hamilton	Hobart Rayburn
G. M. Ballard	C. L. Hammons	Ray O. Shehan
Reuben J. Boling	Thomas W. Hines	Chester D. Silvers
Dr. R. A. Byers	J. H. Jones	Bruce Sloan
Jas. C. Carter	Leslie Larrimore	H. C. Steely
J. A. Coleman	Robert E. Lee	Henry Stewart
Harry Davis	J. L. McDermott	Dr. H. S. Swope
Garland Embry	Lloyd MacDonald	R. Van Bever, Jr.
Walter R. Fannin	W. H. Miller	Charles Wylie
H. Myer Garner	John B. Mollett	

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Thereupon the Speaker declared the said J. J. Thomas from the 96th Legislative District composed of the counties

of Bath and Rowan to be duly and regularly a member of this House and entitled to all of the rights and privileges of this House.

After a time, the aforesaid J. J. Thomas appeared before the bar of the House where the oath of office was administered by The Honorable William Rogers Clay, Chief Justice of the Court of Appeals.

By unanimous consent, Mr. Schneider offered the following resolution, viz.:

Whereas, the birthday of Robert E. Lee falls on Sunday, January 19th, and

Whereas, the birthday of our Honorable Speaker of the House also falls on that same date: Therefore,

Be it Resolved, by the House of Representatives, That as a token of our respect and admiration for the beloved Robert E. Lee and the Hon. John Kirtley, that when we do adjourn today, we do so in their honor.

Said resolution was adopted.

By unanimous consent the following bills were introduced, ordered printed and referred:

By Mr. Wylie:

H. B. 197. An Act to repeal, amend and re-enact Chapter 99 of the Acts of the General Assembly of Kentucky, Regular Session 1920, relating to the nomination of candidates by political parties in primary election and for the placing of names of candidates on ballots to be voted for in general elections; said Act now being Section 1550-6 of Carroll's Revised Kentucky Statutes, 1930 Edition, and providing for the nomination and election of Judges of the Court of Appeals and Circuit Courts of the State of Kentucky, and repealing all conflicting laws.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 99 of the Acts of the General Assembly of 1920, now being Section 1550-6 of Carroll's Revised Kentucky Statutes, 1930 Edition, be and the same is hereby repealed, amended and re-enacted so that when amended and re-enacted it shall read as follows:

Any qualified elector who is a member of a party within the meaning of this act, and who has affiliated with and supported the nominees of the party at whose hands he seeks the nomination, as defined elsewhere in this act, shall have his name printed on the official ballot of his party for an office to which he is eligible in any primary held under the provisions of this act, upon filing with proper officer at the proper time, a notification and declaration, which notification and declaration shall be in the following form, and shall be filled in as to all the requirements therein contained, and the declaration therein shall be subscribed and sworn to by the person making same, before any officer qualified to administer an oath.

Said notification and declaration shall be in the following form:

Notification and Declaration

Of for nomination to the office of
to (County court clerk or secretary of state, as
case may be).

Commonwealth of Kentucky County. For
the purpose of having my name placed on the official primary
election ballot as a candidate for nomination by the
(name of party) party, I (name in full as de-
sired on the ballot) do solemnly swear (or affirm), that I
reside at No. street, in the city of State
of Kentucky, and that I am a registered (party)

voter in that I believe in the principles of said
 (name of party) party, and intend to support its principles
 and policies, and vote for its nominees at the coming general
 election, and that I have affiliated with such party and that
 I supported its nominees at the last general election, or was
 prevented from doing so by reason of (state rea-
 son here); that if nominated as a candidate of said
 at the said ensuing election, I will accept such nomination and
 not withdraw; that I will not knowingly violate any election
 law or any law defining or relating to corrupt and fraudulent
 practice in campaigns or elections in this state, and if finally
 elected, I will qualify for said office.

..... (Signature of candidate.)

Subscribed and sworn to before me by this
 day of 19..... (Signature of officer.)

..... (Title of officer.)

The said candidate shall at the time of filing his notifica-
 tion and declaration file therewith an affidavit of two repu-
 table electors, members of the same party to which the appli-
 cant belongs, which affidavit shall be in the following form,
 and filled out so as to meet all the requirements indicated
 therein.

COMMONWEALTH OF KENTUCKY

..... County

We and do solemnly swear
 (or affirm), that we are qualified electors and members of the
 (name of party), and have affiliated with said party,
 and supported its nominees at the last general election; that
 we are residents and legal voters of the city of,
 County of, State of Kentucky; that we are per-
 sonally acquainted with who files the hereto at-
 tached notification and declaration, and we know him to be
 a discreet citizen, and a member of the party, and
 that to the best of our knowledge and belief, he has affiliated

with and supported said party as defined in the primary election law; that he is a resident of the city, county and state set out in his notification and declaration, and we believe him to be qualified to fill the office of

.....
(Signatures of affiants)

Subscribed and sworn to before me by and
this day of 19.....

.....
(Signature of officer)

.....
(Title of officer)

Said application and declaration, and the accompanying affidavits may be on the same or separate sheets, but shall be filed together and at the same time, and when so filed with the proper officer, it shall be the duty of said officer, upon the candidate's compliance with the requirements of this act as to payment of fees as elsewhere provided, to have printed the applicant's name on the ballot, according to the primary election law, under the penalties provided therein.

No applicant or candidate for any public office in the State of Kentucky who shall have filed his application or declaration under said section and who shall have been defeated for the nomination for any office thereunder, shall be eligible or permitted to run for the same office for which he was a candidate under said section at any general election in this state to be held during the same year in which his said application and declaration was so filed and in which he was a candidate in any primary election under said act, providing however, that if a vacancy occurred in the party nomination for which he or she was a candidate in such primary elections, his or her name may be printed on said official ballot as a candidate of such party, if he or she has since said vacancy accrued been duly made such party nominee according to law.

No applicant or candidate for any public office in the

State of Kentucky shall be permitted to file his or her application or declaration for said office in more than one political party and shall not receive a nomination at the hands of more than one political party.

Before any successful candidate for any public office in the State of Kentucky shall be given his or her certificate of nomination, he or she shall file with the Clerk of the County Court in which he or she resides, a statement that during the campaign for the said nomination he or she did not, and while a candidate for said office, will not knowingly violate any election law or any law defining or relating to corrupt and fraudulent practices in campaigns or elections in this State, and if elected, will qualify for said office.

Provided, that nothing in this law shall prevent any party from offering a candidate for election under such party's device, if the governing authorities of such party in the district affected so order; and further provided that no candidate's name shall appear on the regular ballot at general elections under more than one party device for the same office.

All laws in conflict herewith are hereby repealed.

By Mr. Davis:

H. B. 198. An Act to amend and re-enact Section 4527-44, Baldwin's Revision of Carroll's Kentucky Statutes, being Chapter 65, page 334, of the Acts of 1934, providing for powers of regulation of Boards of Regents in governing teachers' colleges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4527-44, Baldwin's Revision of Carroll's Kentucky Statutes, be and the same is hereby amended and re-enacted so that when so amended and re-enacted it shall read as follows:

The government, administration, and control of each of the said state teachers' colleges is hereby vested in its respective board of regents which when its members have been appointed and qualified, shall constitute a body corporate and shall have perpetual succession with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive by any legal mode of conveyance property of any description, and to have and to hold and enjoy the same; to receive grants of money and to expend the same for the use and benefit of the said college; also, to sell and convey any real estate, buildings or equipment belonging to it, but the proceeds from such sale shall be reinvested in other real estate and/or buildings and equipment for the use and benefit of the said college; to make and use a corporate seal with power to alter and enjoy the same; to adopt by-laws, rules, and regulations for the government of their members, officers, agents, and employees, and to enforce obedience to such rules; to elect a secretary and a treasurer and to fix the bond of the treasurer which shall not be less than \$10,000, and the treasurer shall not be a member of the board of regents; to designate a depository or depositories for its funds and to fix the bond thereof; to require such reports from the president, officers, faculty and employees as it deems necessary and proper from time to time; to determine the number of divisions, departments, bureaus, offices and agencies needed for the successful conduct of the affairs of the said college; to invest the faculty or a committee of the faculty with the power to suspend or expel any student for disobedience to its rules, or for any other contumacy, insubordination, or immoral conduct; to appoint a president and, on the recommendation of the president, appoint, in its discretion, all officers, teachers, and employees and fix their compensation and tenure of service, provided no person shall be employed for a longer period than four years; and provided further that no person shall be employed who is related to any member of said Board

of Regents, as father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, sister-in-law or daughter-in-law, except that upon written recommendation of the president of the respective institution, one such relative of such member of the Board of Regents may be appointed upon confirmation by the remaining three members of the said board; to dismiss any president and, upon the recommendation of the president, any officer, teacher or employee for cause as hereinafter provided; to grant diplomas and confer degrees upon the recommendation of the president and the faculty, and to possess all other immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions.

By Mr. Silvers:

H. B. 199. An Act providing for the acquisition by the Commonwealth of Kentucky of the stereotype plates, books, copyrights and all other proprietary rights of and in the first seventy-seven volumes of the Reports of the Court of Appeals of Kentucky from the present non-resident owners thereof, The W. H. Anderson Company, in order that the Commonwealth may acquire, own, preserve and control the publication and sale of the same; and to provide for the negotiations and the purchase of same, subject to the consent and approval of the Trustees of the Law Library, to wit: The Judges of the Court of Appeals and the Attorney General; and to provide for the storage of said property and for the re-printing, sale and distribution of said Reports in the future; and providing an appropriation to pay for same in the event of purchase.

Said bill is as follows, viz.:

WHEREAS, the copyrights and the stereotype plates pertaining to the first seventy-seven volumes of the Reports of the Court of Appeals of Kentucky, are now owned by a non-resident corporation, to wit: The W. H. Anderson Company of Cincinnati, Ohio;

WHEREAS, it is to the interest of the Commonwealth of Kentucky and the citizens thereof, that the same be preserved, and that the Commonwealth acquire, own and control all the rights pertaining to the aforesaid Court Reports: Now, therefore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Law Librarian is hereby directed, authorized and empowered to negotiate with the present owners of the said stereotype plates, copyrights, books and all other proprietary rights in the first seventy-seven volumes of the Reports of the Court of Appeals of Kentucky, for the purpose of purchasing same for the Commonwealth of Kentucky, and that subject to the consent and approval of a majority of the Trustees of the Law Library, the said Law Librarian is hereby directed, authorized and empowered to enter into a contract for the purchase of said property on and after the effective date of this act at a cost not to exceed \$25,000.00, Twenty-Five Thousand Dollars. In the event of a purchase of said property, the Law Librarian, subject to the approval of a majority of the Trustees of the Law Library, shall provide for the permanent ownership, control and distribution of the said Reports by the Commonwealth.

§ 2. In the event of the acquisition of said property, the storage, sale and distribution of the said Reports, and the reprinting and sale of any volumes which may be exhausted, shall be vested in and under the supervision of the officials as provided in Section No. 955a-1, to and including Section No. 955a-10, of the Kentucky Statutes, Carroll's 1930 Edition, pertaining to the control, sale and distribution of the current Reports of the Court of Appeals.

§ 3. In the event of a purchase of the aforesaid property, the payment for the property acquired under the provisions of this act, is to be made out of the general fund of the Commonwealth, and the Auditor shall draw and issue a

warrant in payment of the purchase price. The proceeds received from the printing, sale and distribution of any or all of said first seventy-seven reports is to be credited and paid into the general fund of the Commonwealth.

§ 4. There is hereby appropriated out of the general fund of the Commonwealth of Kentucky, a sum sufficient to pay the purchase price of said property and rights, in the event of a purchase thereof, not to exceed the sum of \$25,000.00.

§ 5. All laws, or parts of laws in conflict herewith, are now hereby repealed.

Dr. Shields moved that the House do now adjourn until Tuesday, January 21, at ten o'clock A. M.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 21, 1936.

The House was opened with prayer by the Reverend Father O'Dwyer of the Roman Catholic Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

F. T. Allen	Jas. C. Carter	George W. Dunlap
C. W. Anderson, Jr.	V. O. Chandler	Howard G. Early
W. T. Baker	Floyd Clark	Garland Embry
G. M. Ballard	Rosecoe Claxon	Walter R. Fannin
B. F. Bedford	J. A. Coleman	Chas. P. Farnsley
Reuben J. Boling	Roy Conway	T. P. Fitzpatrick
Douglas Bolling	Herbert Cook	H. Myer Garner
Ollie J. Bowen	Sam Dever	G. W. Garrett
Wallace Brown	Stanley S. Dickson	James Garnett, Jr.

Ferd A. Gnau	W. F. McGary	John C. Robinson
Eugene Gough	Elmer McGlothen	W. T. Rollo
Ben Grogan	C. S. Matherly	A. W. Ross
Jas. T. Hamilton	D. T. Matlack	Carl Scheben
C. L. Hammons	Duke Mayfield	Carl Schneider
W. L. Hampton, Jr.	G. S. Milam	Ray O. Shehan
Thomas W. Hines	W. H. Miller	Dr. B. F. Shields
Price Holbrook	John B. Mollett	P. L. Sidebottom
Clyde S. Howard	W. E. Mull	Chester D. Silvers
Ira W. Hulette	Tyler Munford	Bruce Sloan
John M. Hunnicut	Rodes K. Myers	H. C. Steely
Ben W. Johnson	J. C. Nickell	Henry Stewart
O. C. Jones	Russell O'Neill	Dr. H. S. Swope
R. T. Kirkman	Mel Petry	W. R. Tapp
J. F. Ladd	A. W. Pfeiffer	J. J. Thomas
Leslie Larrimore	J. C. Ramey	Joseph L. Wall
Robert E. Lee	Hobart Rayburn	Henry Ward
M. T. McCarthy	Harry C. Records	L. R. Wells
T. B. McConnell	L. K. Rice	W. G. Williams
J. L. McDermott	Wade H. Riley	Charles Wylie
Lloyd MacDonald	Joe E. Robinson	Mr. Speaker

Mr. McCarthy moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Farnsley offered the following resolution, viz.:

Resolution recommending to the Congress and the Senate of the United States that the home site of General George Rogers Clark in Clarksville, Indiana, be memorialized:

Whereas, the expedition of General George Rogers Clark crossed the boundary of the State of Kentucky and came to a rest at a point on the west side of the Ohio River, then known as the Point, and from which started the invasion of the northwest which culminated in the capture of Fort Sackville on February 25, 1779, and resulted in the acquisition by the

new United States of the great northwest territory, which now comprises five states and a part of a sixth, and having more than one-fifth the population and one-fourth of the wealth and resources of the United States; and,

Whereas, the Clark expedition was the one and only colonial military campaign of the Revolutionary War west of the Appalachian mountains; and,

Whereas, the town of Clarksville, in the County of Clark, State of Indiana, was at one time part of the County of Jefferson in the State of Kentucky and was a part of Kentucky when the conquest started, the State of Kentucky now concurs with the Town Board of Clarksville in its interest in commemorating the Revolution in the West because the site of Clarksville was the site of the starting and closing point of the conquest that gave the colonies the great northwest, and is the most historic spot in these United States west of the Allegheny mountains; and,

Whereas, the Town Board of Clarksville is initiating the movement for the commemoration of George Rogers Clark and his men on the site which by special act of the State of Virginia in 1793 created by patent the town in the wilderness of the Indian Territory to be known as the town of Clarksville for ever; and,

Whereas, George Rogers Clark made this site his home, was Chairman of its first Board of Trustees, helped to subdivide it into lots, lay off the streets and name each after an officer of his regiment, and by his acts helped to perpetuate the growth, civic and social welfare of that community; and,

Whereas, he builded his home in which were few joys and his greatest sorrows came in the nature of a paralytic stroke, the severe burns which caused the amputation of his leg to the tune of the fife and drum, which was the only anesthetic then known; and,

Whereas, his last illness, caused by sorrow and heart-break, resulted in his death; and,

Whereas, the finances of the town of Clarksville will never be able to permit the building of the shrine in honor of the statesman, soldier, and patriot equal to his deeds and accomplishments, but that the national government and the people thereof, for whom the privations were suffered and the valorous deeds of war were done, should assist in commemorating the same; and,

Whereas, the town of Clarksville, Indiana, will cause resolution authorizing a federal appropriation for buying of land, building of roads and paths, grading and landscaping, the erection of a national memorial suitable to the character of the man; and,

Whereas, there was never greater need than now exists for the revival of the principals which found their expression in the American War for Independence: Therefore,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, That the petition to the Congress of the United States by the town of Clarksville, Indiana, for the memorialization of General George Rogers Clark for the reasons set out in this resolution, is worthy, and it is hereby recommended to the Congress of the United States that this petition be granted.

Said resolution was adopted.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Wells:

H. B. 200. An Act appropriating One Thousand (\$1,000.00) Dollars out of the general fund for the purpose of acquiring rights of way for an entrance to the Pine Mountain State Park located at Pineville, Bell County, Kentucky; providing that additional funds may be donated by the Federal

Government, or any person or organization for the purpose of supplementing the sum appropriated; authorizing and designating the Attorney General and the County Attorney to purchase and condemn such land as necessary and perfect and prepare such titles and deeds which will vest title to such property in the Commonwealth of Kentucky, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the general fund the sum of One Thousand (\$1,000.00) Dollars to be used for the purchase of lands for rights of way for an entrance to the Pine Mountain State Park located at Pineville, Bell County, Kentucky.

§ 2. Nothing in this act is to be construed to prevent the Federal Government; or any person or organization, from supplementing or adding to the sum herein appropriated by a like amount or some other amount.

§ 3. To carry out the provisions of this Act the Attorney General and County Attorney are authorized and designated to purchase and condemn such lands necessary for said entrance, and perfect and prepare such titles and deeds which will vest title to such property in the Commonwealth of Kentucky. An emergency is declared to exist and this act shall be effective from and after its passage and approval by the Governor.

To Committee on Appropriations No. 2.

By Mr. Grogan:

H. B. 201. An Act to amend and re-enact Section 596, Kentucky Statutes, Carroll's Edition 1930, to increase the

surplus of banks, trust companies and combined banks and trust companies, organized under the laws of this State.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 596, Kentucky Statutes, Carroll's Edition, 1930, which became a law in the Session Acts of 1893, as amended in the Sessions Acts of 1916, be amended by striking out the words "twenty per cent of its capital stock", and adding the words "a sum to equal the amount of its common capital stock"; so that said section, as amended, will read as follows:

"The board of directors of any bank or trust company organized under the laws of this state may declare a dividend of so much of the net profits of the bank or trust company, after deducting therefrom all expenses, losses, bad or suspended debts, interest and taxes accrued or due from the bank, as they may deem expedient. Provided, no bank or trust company shall pay a dividend to the holders of the common stock thereof until such bank or trust company has a surplus fund equal to ten per cent. of its capital stock, and before any dividend is declared, other than upon its preferred stock, if any, not less than ten per cent. of the net profits of the bank for the period covered by the dividend applicable to its common stock shall be carried to its surplus fund until such surplus fund amounts to a sum equal to the amount of its common capital stock. All debts due to a bank or trust company on which interest is due and unpaid for six months, unless the same be well secured or in the process of collection, shall be construed bad or suspended debts within the meaning of this section."

By Mr. Grogan:

H. B. 202. An Act to amend and re-enact Section 577

Kentucky Statutes, Carroll's Edition 1930, to increase the required capital of any new banks created under the laws of this State.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 577, Kentucky Statutes, Carroll's Edition 1930, which became a law in the Session Acts of 1893, be amended and re-enacted, so that said section will read as follows:

"Any number of persons, not less than five, may associate to establish a commercial bank, or a savings bank, or a bank having departments for both classes of business, upon the terms and conditions, and subject to the liabilities prescribed in this article; but the capital stock of any bank organized after July 1, 1936, shall not be less than twenty-five thousand dollars in cities having a population not to exceed ten thousand inhabitants and fifty thousand dollars in cities having a population between ten thousand and fifty thousand inhabitants, and one hundred thousand dollars in cities having a population in excess of fifty thousand inhabitants."

By Mr. Joe E. Robinson:

H. B. 203. An Act exempting persons engaged in, connected with, or employed on, any newspaper from disclosing in any legal proceeding or trial before any court, grand jury or petit jury, or the presiding officer of any tribunal, or his agent or agents, before the General Assembly, or any committee thereof, the source of any information procured or obtained by him and published in the newspaper on which he is engaged, connected with or employed.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No person engaged, connected with, or employed on any newspaper shall be compelled to disclose in any legal proceeding or trial before any court, or before any grand jury of any county, or a petit jury of any court, or before the presiding officer of any tribunal, or his agent or agents, or before the General Assembly, or any committee thereof, or before any city or county legislative body, or any committee thereof, or elsewhere, the source of any information procured or obtained by him, and published in the newspaper on which he is engaged, connected with, or employed.

By Mr. Shehan:

H. B. 204. An Act relating to the appointment of employees in all branches of State, County or City governments, political divisions or subdivisions thereof, giving Veterans of the Spanish-American War and Veterans of the World War preference to such appointments where qualified to perform the work thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In grateful recognition of Kentucky's sons and citizenry who served in the army and navy of the United States in the Spanish-American War and the great World War 1914-19, and have been honorably discharged therefrom, be it enacted that each such veteran shall be preferred for appointments and employed to fill in every public department or branch of political or sub-political division of the State of Kentucky, or county, city or town thereof, and upon all public works of the said State of Kentucky, county or city or town thereof, if competent to perform such services; and the person thus preferred shall not be disqualified from holding any position in said service on account of his age or by reason of any disability, provided such age or disability does not

render him incompetent to perform the duties of the position applied for; and when any such veteran or ex-soldier or sailor shall apply for appointment to any such position, place or employment, the officer, board or person whose duty it is or may be to appoint a person to fill such place shall, if the applicant be a man of good reputation, and can perform the duties of the position applied for by him, appoint said veteran, ex-soldier or sailor to such position, place or employment.

By Mr. Garnett:

H. B. 205. An Act to authorize cities of the First Class to construct law school buildings for municipal universities where the ground for such buildings has been conveyed to the city free of cost, lien and encumbrance. Providing that cities of the first class may issue bonds to defray the cost of such building. Providing that the building so erected may be leased to the municipal university for a rental sufficient to pay the bonds, the interest thereon, insurance, and all operating expenses of such building. Providing that the bonds shall be secured only by revenues derived from the rental of such building and by lien upon the land and improvements, creating a statutory mortgage lien upon such building. Providing that such bonds shall not constitute an indebtedness of the city within the meaning of the constitutional provisions or limitations. Providing for the making of plans and specifications for such building and the approval of the municipal university therefor; providing for the deposit and security of rentals received from such building and the application of the same to the payment of bonds issued to pay for the cost of construction of the said building. Providing when rentals sufficient to pay the cost of the erection of the said building, all operating costs, interest on bonds, the city shall thereupon convey the premises and improvements to such municipal university, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That cities of the first class of the Commonwealth are hereby authorized and empowered to establish and erect law school buildings for municipal universities existing in such cities, together with necessary appurtenances thereto, under the provisions of this Act, for the purpose of supplying the municipal universities of such cities adequate buildings necessary to carry out their corporate duties and powers.

§ 2. The provisions of this Act shall be applicable only where any such municipal university shall have conveyed, or caused to have been conveyed to such city, the ground necessary for the erection of such law school building, which conveyance shall be made without cost to such city and the land so conveyed shall be free of all liens and encumbrances.

§ 3. For the purpose of defraying the cost of acquiring or constructing any such law school buildings and appurtenances thereto, any such city may borrow money secured by lien on the revenues derived from such building, and issue negotiable bonds, provided no such bonds shall be issued unless and until authorized by an ordinance specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest such bonds are to bear, which shall not be more than six per cent per annum. Such ordinance shall further provide that the proposed law school building and appurtenances thereto are to be constructed or acquired pursuant to the provisions of this Act.

§ 4. All bonds under the provisions of this Act may be issued bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, and shall be executed in such manner and be payable at such times not exceeding fifty (50) years from date thereof, and at such place or places as the Board of Aldermen of such City shall determine.

§ 5. Any and all such bonds shall have and are hereby declared to have, in the hands of bona fide holders, all of the

qualities of negotiable instruments under the law merchant, and shall not be subject to taxation. In case any of the officers whose signatures or counter-signatures appearing on the bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures or counter-signatures shall, nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. Such bonds shall be sold in such manner and upon such terms as the Board of Aldermen shall deem for the best interests of such city. Such bonds when issued shall be payable solely from the revenue funds derived from such law school building, as provided in Sections 9 and 10 hereof, and shall not constitute an indebtedness of such city within the meaning of the provisions or limitations of the Constitution of Kentucky. It shall be plainly stated on the face of such bond that the same has been issued under the provisions of this Act, and that it does not constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations.

§ 6. All moneys received from any bonds issued pursuant hereto shall be applied solely for the establishment or erection of such law school building and necessary appurtenances thereto; provided, such moneys may be used also to advance the payment of the interest on bonds during the first three years following the date of such bonds. And there shall be, and there is hereby, created a statutory mortgage lien upon such law school building and appurtenances to and in favor of the holders of said bonds, and each of them, and to and in favor of the holders of the coupons of said bonds.

§ 7. The law school buildings so erected, together with the appurtenances thereto, shall remain subject to such statutory lien until the payment in full of the principal and interest of the bonds. Any holder of said bonds, or any of the coupons, may either at law or in equity protect and enforce the statutory mortgage lien hereby conferred and may bring suit, action, mandamus or other proceedings to enforce and

compel performance of all duties required by this Act, including the making and collecting of sufficient rents, the segregation of the income and revenue and the application thereof.

§ 8. If there be any default in the payment of the principal or interest on any of said bonds, any court having jurisdiction of the action may appoint a Receiver to administer said law school building on behalf of the city, with power to charge and collect rentals sufficient to provide for the payment of any bonds or obligations outstanding against said law school building, and for the payment of the operating expenses, and apply the income and revenues in conformity with this Act and the ordinance referred to in Sections 9 and 10 hereof.

§ 9. When any such city shall desire to construct such law school building, the Board of Aldermen of such city shall by ordinance cause plans and specifications for the law school building to be constructed to be duly made and filed in the office of the Clerk of the Board of Aldermen, which plans and specifications shall give a full description of the building to be constructed, the details thereof and the manner of construction.

The plans and specifications of such building shall be prepared by an architect selected by the city and approval by the Board of Trustees of such Municipal University, shall be submitted to the Board of Trustees of such Municipal University for approval, and if approved, and if such Board of Trustees shall offer in writing to lease such building for a term of years from the time such building shall be completed and ready for occupancy, with the right and option in such lessee to extend the term of such lease for a term of years from the expiration of the original term of such lease, and for a term of years from the expiration of such extended term of such lease until the original term of such lease shall have been extended for a total number of years not exceeding fifty

(50) years, at a rental which if paid for the original term and for each of the full number of years for which the term of said lease may be extended, will amortize the total cost of the erection of said building and appurtenances, provide an adequate maintenance fund, and in addition thereto a sum sufficient to pay the cost of insuring the building erected against loss or damage by fire or damage by fire or windstorm or other calamity, in such sum as may be agreed by the parties thereto, but in no event shall such insurance be less than the value of the improvements, the Board of Aldermen shall by ordinance authorize the issuance of bonds in the manner and form as herein provided, sufficient to pay the cost of constructing such building and shall cause the Clerk of the Board of Aldermen to advertise for bids, and thereafter the Board of Aldermen by and through the Mayor of such city may contract for construction of such building.

§ 10. At or before the issuance of such bonds, the Board of Aldermen of such city shall, by ordinance, set aside and pledge the income of such building into a separate and special fund to be used and applied in payment of the cost thereof and in maintenance thereof. Said ordinance shall definitely fix and determine the amount of revenue which shall be necessary and be set aside and applied for the payment of the principal and interest of the bonds; and the balance of such income shall be set aside for the reasonable and proper maintenance thereof, including a sufficient sum to pay the costs of such insurance, as hereinabove provided. The rental to be charged for the use of such building shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof as and when the same becomes due, and to provide for the maintenance thereof, including the cost of insuring such building erected against loss or damage by fire and windstorm or other calamity.

§ 11. If any surplus be accumulated in the maintenance fund which shall be equal to the cost of maintaining such

building during the remainder of the calendar or fiscal year, as may be provided by the ordinance hereinbefore required, and the cost of maintaining and operating such building the succeeding like calendar or fiscal year, any excess over such amount shall be transferred to the sinking fund.

§ 12. Such city may issue refunding bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the procedure prescribed by this Act. Such refunding bonds shall be secured to the same extent and shall have the same source of payment as the bonds which shall have been thereby refunded.

§ 13. Should the Board of Aldermen find that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the procedure as herein required.

§ 14. Such city in acquiring any building under the provisions of this Act may provide by ordinance any such provisions and stipulation for the administration of the income for the security of the bondholders as the Board of Aldermen of such city may deem necessary: Provided that the sinking fund which shall be provided by ordinance as hereinbefore required shall be deposited in a depository selected by such Board of Aldermen, which deposit may, if required by the Board of Aldermen, be continuously secured by a pledge to the city of direct obligations of the United States of America, exclusive of accrued interest at all times at least equal to the balance on deposit in such account or in such other manner acceptable to the purchaser or holders of such bonds. Such securities shall either be deposited with the city or be held by a trustee or agent satisfactory to the Board of Aldermen of such city. The Board of Aldermen may by ordinance require that said sinking fund be invested in direct obligations of the United States of America.

§ 15. When the Board of Trustees of such Municipal University has paid rent in the manner and form as provided

in this Act sufficient to amortize the cost of the erection of such building and appurtenances, to maintain such building and pay the cost of insurance, such city shall thereupon convey said premises to such municipal university and shall transfer the balance, if any, remaining in the funds herein provided to the account of such municipal university.

§ 16. This Act shall be deemed to create an additional and alternate method for the construction and acquisition of law school buildings for municipal universities by any city of the first class and shall not be deemed to include, alter, amend, or repeal any other statute. No proceeding shall be required for the acquisition of any law school building hereunder or the issuance of bonds hereunder except such as are prescribed by this Act, any provision in the general laws of the Commonwealth of Kentucky or Charter of any city to the contrary notwithstanding.

Whereas, cities of the class to which this Act is applicable are now without adequate buildings for the purpose of conducting law schools, thus endangering the health, safety, convenience and general welfare of students in such schools in all cities of the first class,

Now, therefore, an emergency is declared to exist and this Act shall take effect immediately upon its passage and approval.

To Committee on Cities of the 1st Class.

By same:

H. B. 206. An Act to amend and re-enact Section 3905 of the Kentucky Statutes, being part of Chapter 98 of the Kentucky Statutes, and which is an act pertaining to Public Administrators and Public Guardians and more particularly to the placing of estates in the hands of Public Administrators and Public Guardians.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3905 of the Kentucky Statutes, being part of Chapter 98 of Kentucky Statutes, be and it is hereby amended by adding after the words "apply for administration" which appear on lines 12 and 13 of said section as printed in Kentucky Statutes official edition of 1930 the following words:

Provided, however, that the county courts aforesaid may confide to said Public Administrator and Guardian the administration of the estates of deceased persons before the expiration of said three months' period in all cases in which the relations of the deceased, or other persons entitled to administration, request the appointment of said Public Administrator and Guardian, and also in all cases in which it shall appear that there are no relations of a decedent who are entitled to administration upon the estate of said decedent.

So that the said section as amended and re-enacted shall read as follows, to-wit:

The several county courts of this Commonwealth, in which there is a Public Administrator and Guardian, shall confide to him the administration of the estate of deceased persons in all cases in which, by law, the jurisdiction to grant letters testamentary or administration applies, if it shall appear, after the expiration of three (3) months from the death of the decedent that no one will qualify as executor or apply for administration; provided, however, that the county courts aforesaid may confide to said Public Administrator and Guardian the administration of the estates of deceased persons before the expiration of said three months' period in all cases in which the relations of the deceased, or other persons entitled to administration, request the appointment of said Public Administrator and Guardian, and also in all cases in which it shall appear that there are no relations of a decedent who are entitled to administration upon the estate of

said decedent. And shall also confide to said Public Administrator and Guardian the care and control of the persons and estates of all minors, in case it shall appear that such minor hath no testamentary guardian, and no one will apply for or serve as such by the appointment of the court.

All other laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

To Committee on Judiciary.

By Mr. Garnett:

H. B. 207. An Act to repeal and re-enact Section 122 of the Criminal Code of Practice, Baldwin's Revision of 1932, relating to requisites and correction of an indictment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 122 of the Criminal Code of Practice, Baldwin's Revision of 1932, be and the same is hereby repealed and re-enacted so that as re-enacted the same shall be as follows:

Section 122. *Requisites of an indictment.* The indictment must contain—

1. *Title of prosecution, name of court and parties.* The title of the prosecution, specifying the name of the court in which the indictment is presented and the names of the parties. Whenever an objection is made that an indictment does not contain a caption or title or commencement, a caption may be prefixed to, and a commencement may be inserted in the indictment; and any defect, error or omission in the title, caption or commencement may be amended by the court at any stage of the proceedings and shall be in any event cured by a verdict.

2. *Statement of acts constituting offense.* A statement of the acts constituting the offense, in ordinary and concise language, and in such manner as to enable a person of common understanding to know what is intended; and with such degree of certainty as to enable the court to pronounce judgment, on conviction according to the right of the case.

3. *Charging the offense.*

(a) The indictment may charge, and is valid and sufficient if it charges, the offense for which the defendant is being prosecuted in one or more of the following ways:

(1) By using the name given to the offense by the common law or by a statute.

(2) By stating so much of the definition of the offense, either in terms of the common law or of the statute defining the offense or in terms of substantially the same meaning, as is sufficient to give the court and the defendant notice of what offense is intended to be charged.

(b) The indictment may refer to a section or subsection of any statute creating the offense charged therein, and in determining the validity or sufficiency of such indictment regard shall be had to such reference.

To Committee on Judicial Council.

By same:

H. B. 208. An Act to repeal and re-enact Section 126 of the Criminal Code of Practice, Baldwin's Revision of 1932, relating to the manner of charging an offense in an indictment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 126 of the Criminal Code of Practice, Baldwin's Revision of 1932, be repealed and re-enacted, and as re-enacted shall be as follows:

Section 126. *Indictment to charge but one offense; defects, variances and amendment.*

1. An indictment, except in the cases mentioned in Section 127, must charge, but one offense, but if it may have been committed in different modes and by different means the indictment may allege the modes, means or results in the disjunctive or alternative.

2. No indictment for an offense created or defined by statute shall be invalid or insufficient merely for the reason that it fails to negative any exception, excuse or proviso contained in the statute creating or defining the offense.

3. An indictment need not allege that the offense was committed or the act done "feloniously" or "traitorously" or "unlawfully," or "with force and arms," or "with a strong hand," nor need it use any phrase of like kind otherwise to characterize the offense; nor need it allege that the offense was committed or the act done "burglariously," "willfully," "knowingly," "maliciously," or "negligently," nor need it otherwise characterize the manner of the commission of the offense, unless such characterization is necessary to charge the offense under Section 122.

4. No indictment shall be held invalid because the accusatory portion charges a common law offense and the descriptive portion describes a statutory offense, or the converse in the offenses are of the same nature or are commonly known by substantially the same name.

5. The court may at any time cause the indictment to be amended in respect of any defect, imperfection or omission in the matter of form only.

To Committee on Judicial Council.

By Mr. Garnett:

H. B. 209. An Act to amend Section 127 of the Criminal Code of Practice, Baldwin's Revision of 1932, so that the of-

fences of forgery and uttering a forged instrument may be charged in one indictment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 127 of the Criminal Code of Practice, Baldwin's Revision of 1932, be amended by adding thereto as Subsection 7 the phrase, "Forgery and uttering a forged instrument," so that as amended said section will read:

Section 127. *Joinder of offenses in indictment.* The offense named in each of the subdivisions of this section may be charged in one indictment:

1. Larceny and knowingly receiving stolen property.
2. Larceny and obtaining money or property on false pretenses.
3. Larceny and embezzlement.
4. Robbery and burglary.
5. Robbery and assault with intent to rob.
6. Passing or attempting to pass counterfeit money or United States currency or bank notes, knowing them to be such, and having in possession counterfeit money or United States currency or bank notes, knowing them to be such, with the intention of circulating the same.
7. Forgery and uttering a forged instrument.

To Committee on Judicial Council.

By same:

H. B. 210. An Act repealing Section 241, of Carroll's Kentucky Criminal Code of Practice, Baldwin's 1932 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 241 of Carroll's Kentucky Criminal Code of Practice, Baldwin's 1932 Edition, requiring corroboration of the testimony of an accomplice, be and the same is hereby repealed.

To Committee on Judicial Council.

By Mr. Garnett:

H. B. 211. An Act repealing Section 240 of Carroll's Kentucky Criminal Code of Practice, Baldwin's 1932 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 240 of Carroll's Kentucky Criminal Code of Practice, Baldwin's 1932 Revision, requiring that a conviction cannot be sustained on a confession not made in open court unless accompanied by other proof that such an offense has been committed, be and the same is hereby repealed.

To Committee on Judicial Council.

By same:

H. B. 212. An Act to amend and re-enact Section 244, Kentucky Criminal Code of Practice, relating to the keeping together and separation of Jurors.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 244 of Carroll's Kentucky Criminal Code, Edition of 1932, be amended by adding subsection 2 as follows: "On the trial of crimes which are or may be punished capitally or by life imprisonment the jurors, before the case

is submitted to them, may be permitted to separate by agreement of the attorney for the Commonwealth and the attorney for the defendant, with the approval of the trial judge, which shall be in open court and entered of record; provided the consent or approval may be withdrawn before any recess or adjournment of court," so that as amended and re-enacted said section shall read as follows:

Section 244-1. *Cases in which jury must be kept together.*

On the trial of offenses which are or may be punished capital-ly or by life imprisonment the jurors after they are accepted, if all of the same sex, shall not be permitted to separate, but shall be kept together, in charge of the proper officers. But if the jury consists of both male and female, then the sexes of such jury may be permitted to separate during the trial and when necessary after final submission of the case, each sex being kept together in charge of an officer of like sex, as if two separate juries. On the trial of other felonies the jurors, before the case is submitted to them, may be permitted to separate, in the discretion of the court, but after the case is submitted they shall be kept together in charge of officers. On the trial of misdemeanors the jurors may be permitted to separate, or the court may order them to be kept together.

Section 244-2. *Separation by agreement.* On the trial of crimes which are or may be punished capitally or by life imprisonment the jurors, before the case is submitted to them, may be permitted to separate by agreement of the attorney for the Commonwealth and the attorney for the defendant, with the approval of the trial judge, which shall be in open court and entered of record; provided the consent or approval may be withdrawn before any recess or adjournment of court.

To Committee on Judicial Council.

By same:

H. B. 213. An Act repealing Sections 203 and 204 of

Carroll's Kentucky Criminal Code of Practice, Baldwin's 1932 Revision, and providing the number of peremptory challenges which both the Commonwealth and the defendant may have in the selection of the Jury in felony prosecutions and misdemeanor cases in the Courts of this Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in the impaneling of a jury in any prosecution in the courts of this State for a felony the Commonwealth and the defendant shall each be entitled to ten peremptory challenges and no more and in misdemeanor cases the Commonwealth and the defendant shall each be entitled to three peremptory challenges and no more.

§ 2. That Sections 203 and 204 of Carroll's Kentucky Criminal Code of Practice, Baldwin's 1932 Revision, and all other laws and parts of laws in conflict herewith be and the same hereby are repealed.

To Committee on Judicial Council.

By Mr. Garnett:

H. B. 214. An Act to amend and re-enact Sections 317, 326, 327, 328 of the Civil Code of Practice so as to permit the finding of special verdicts by Juries in addition to general or separate general verdicts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 317, 326, 327 and 328 of the Civil Code of Practice be, and the same are hereby, amended to read as follows:

Section 317. When the jury has been sworn, the trial

shall proceed in the following order, unless the court, for special reasons, otherwise direct:

1. The plaintiff must briefly state his claim and the evidence by which he expects to sustain it.

2. The defendant must then briefly state his defense and the evidence he expects to offer in support of it.

3. The party on whom rests the burden of proof, in the whole action, must first produce his evidence; the adverse party will then produce his evidence.

4. The parties will then be confined to rebutting evidence, unless the court, for good reasons in furtherance of justice, permit them to offer evidence in chief.

5. When the evidence is concluded, but before the argument to the jury, either party may require the court to direct the jury to find a separate-general verdict with the general verdict, or the court, in its discretion, may, without motion or upon motion of a party require the jury to find a special verdict upon any material issue or issues of fact. If a special verdict be so required, the questions of law may be reserved by the court until after verdict, but if a general verdict be required, either party may ask written instructions to the jury on points of law, which shall be given or refused by the court before the commencement of the argument to the jury.

6. The parties may then submit or argue the case to the jury. In the argument, the party having the burden of proof shall have the conclusion and the adverse party the opening. If there be more than one speech on either side, or if several defendants having separate defenses appear by different counsel, the court shall arrange the relative order of argument.

Section 326. The verdict of a jury is general or separate-general or special.

1. A general verdict is that by which the jury pronounces generally upon all the issues, for the plaintiff or for the defendant.

2. A separate-general verdict is the finding, upon any of the issues, in favor of the plaintiff or for the defendant.

3. A special verdict is the finding of facts by a jury, as shown in their answers to questions submitted to them in writing by the court.

Section 327. Unless otherwise directed, the jury may find a general, or a general and separate-general, verdict, or a special verdict, with or without a general, or a separate-general verdict; but the court may without motion, or upon the motion of a party shall, direct the jury to find—

1. A separate-general verdict, as to any issue; and with such finding the jury shall also return a general verdict; and, if the separate-general verdict be inconsistent with the general verdict, judgment shall be rendered pursuant to the former; or,

2. A special verdict; and, on such finding, the jury shall return a special verdict only; and the court shall render judgment upon it.

Section 328. If a general and special verdict be inconsistent, judgment shall be rendered pursuant to the latter.

To Committee on Judicial Council.

By Mr. Garnett:

H. B. 215. An Act to amend and re-enact Section 237 of Carroll's Criminal Code of Practice, Baldwin's 1932 Edition, relating to separate trials in felony cases.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 237 of Carroll's Criminal Code of Practice, Baldwin's 1932 Edition, be amended and re-enacted so that the same when amended and re-enacted shall read as follows:

"If two or more defendants be jointly indicted for a felony, the court, in its discretion, may grant or refuse any defendant a separate trial."

To Committee on Judicial Council.

By same:

H. B. 216. An Act to amend Section 1 of Chapter 42 of the Acts of the General Assembly of 1934 so as to provide the period of probation of defendants in certain criminal cases.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1 of Chapter 42 of the Acts of the General Assembly of 1934 be and the same is hereby amended and re-enacted by adding to the first sentence thereof the following words: "and for the maximum length of time during which the defendant might have been imprisoned under the law; at the end of which time the prosecution shall upon the defendant's motion be dismissed if the defendant shall not have violated any term or condition so imposed," so that when said section is amended and re-enacted the same shall read as follows:

"§ 1. What prisoners may be put upon probation. In prosecutions for crime, in the Circuit Courts of this state, except as hereinafter provided, where the defendant has pleaded or been found guilty, and the defendant has never before been convicted of a felony, either in this state or elsewhere, and it appears to the satisfaction of the court that the character of the defendant and circumstances of the case are such that he is not likely again to engage in an offensive course of conduct, and that the public good does not demand or require that he shall suffer the penalty imposed by law,

such court may postpone the rendition of judgment on such terms and conditions as the court deems proper, and for the maximum length of time during which the defendant might have been imprisoned under the law; at the end of which time the prosecution shall upon the defendant's motion be dismissed if the defendant shall not have violated any term or condition so imposed. Whenever in the opinion of the court the sentence should no longer be postponed, the court shall have power to cause a warrant to issue for the defendant and he may thereupon on his arrest be sentenced and such sentence carried into immediate execution."

To Committee on Judicial Council.

By Mr. Garnett:

H. B. 217. An Act to amend and re-enact Section 514 of the Civil Code of Practice, relating to the reversal of Judgments by the Court of Appeals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 514 of Carroll's Kentucky Civil Code of Practice, 1932 Edition, be and the same is hereby amended and re-enacted, so that as so amended and re-enacted the same shall be as follows:

Section 514. Court of Appeals may, for errors in record. A judgment may be reversed or modified by the Court of Appeals for errors appearing in the record. If error exists only in respect of one or more of several issues, such as in the assessment of damages, and the trial was otherwise free from substantial error, the Court of Appeals may limit its reversal of the judgment and may confine the new trial to those issues in respect of which the error was made, if the court be of opinion that such restriction is compatible with justice.

To Committee on Judicial Council.

By same:

H. B. 218. An Act entitled an Act to repeal and re-enact subsection 1 of Section 606 of the Civil Code of Practice.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That subsection 1 of Section 606 of the Civil Code of Practice be repealed and the same is re-enacted to read as follows:

1. In all actions between husband and wife, or between either or both of them and another, either or both of them may testify as other witnesses, except as to confidential communications between them during marriage, provided, however, that neither may be compelled to testify for or against the other.

To Committee on Judicial Council.

By same:

H. B. 219. An Act amending and re-enacting Section 1649b-3 of Carroll's Kentucky Statutes, Baldwin's Revision, relating to the inadmissibility of confession obtained by sweating.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1649b-3 of Carroll's Kentucky Statutes, Baldwin's Revision of 1930, be and the same is amended and re-enacted, and as so amended and re-enacted shall read as follows:

Section 1649b-3. Not admissible. No confession obtained by means of sweating, as defined herein, shall be permitted as evidence in any court in this state, but same shall be deemed to have been obtained by duress, if it be shown that such confession was made after the arrest of the party charged with crime and while he was in custody of the law. The trial judge shall determine the competency and admissibility of any alleged confession under the provisions of this statute from evidence heard by him, independent of and without the hearing of the jury trying the case.

To Committee on Judicial Council.

By Mr. Schneider:

H. B. 220. An Act to protect the interests of the Commonwealth of Kentucky, to make more honorable, dignified, efficient and effective the work of the Legislative Branch of the State Government, to protect the members of the House of Representatives and State Senate from promises and undue influences of the Executive Branch of our State Government, and its subsidiary branches, and other lobbyists; to make it a felony for any member of the General Assembly to accept any appointive position or office either during his or her terms of office as a member of the Legislature, or for a period of one year thereafter; to make it a felony for a blood relative or the family of any member to accept an appointive position or office during the period of the Legislative Session in which the relative who is a Representative or Senator is serving as a member, or for a period of one year thereafter; to make it a felony for the Governor, Lieutenant Governor, Secretary of State, State Auditor, Secretary of the Treasury, Secretary of Agriculture and Superintendent of Public Instruction, or any executive assistant, supervisor, superintendent, or manager, working under or in connection with their offices, to either promise, offer or make such an appointment; providing for violation thereof, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Confirming and carrying out the provisions and distinct duties as enumerated and defined in our State Constitution, of the three branches of our State Government, the powers of the government of the Commonwealth of Kentucky, shall be divided into three distinct departments: executive, legislative and judicial, and each of them shall be confined to a separate body of magistracy, to wit: those that are legislative, to one; those which are executive, to another; and those which are judicial, to another.

§ 2. The power of one department shall not be exercised over or influenced by the other, and no person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances expressly directed and permitted by the Constitution.

§ 3. The Executive Branch shall consist of the administrative body, charged with carrying the laws of our state into effect; the Legislative Branch shall have power to legislate, that body invested with the power of enacting and repealing the laws of our State; and the Judicial Branch, pertaining to Courts of Justices, that branch of government concerned with and interpreting the validity of our civil and criminal laws.

§ 4. No Representative or Senator shall, during the term for which he or she was elected, nor for one year thereafter, be appointed or accept an appointment, where emoluments are secured from the State Treasury, in the Executive Branch of our State Government, or its subsidiary branches, such as the office of Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Secretary of Agriculture, and Superintendent of Public Instruction, or any assistant, superintendent, supervisor or manager working under or in connection with their offices.

Section 4—Subdivision (A). Nor shall a blood relative or family of any Representative or Senator be likewise appointed or accept a position or office where emoluments or salaries are paid to them out of the State Treasury, by the Executive Branch of our State Government, or its subsidiary branches, as heretofore enumerated, either during a Legislative session or for one year thereafter.

§ 5. No member of the Executive Branch of our State Government such as has heretofore been mentioned and enumerated, or their subordinates, shall offer or name a Representative or Senator, or the blood relative or family of a member thereof, to any position or office of trust in the Commonwealth during the member's term of office or for one year thereafter.

§ 6. Any Representative or Senator, or the blood relative or family of such; or any Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Secretary of Agriculture and Superintendent of Public Instruction, or the executive assistant, superintendent, supervisor, or manager, working under or in connection with said officers, who shall be found guilty of any of the provisions of this Act shall be guilty of a felony when tried in a court of competent jurisdiction and shall be fined not less than \$1,000 or more than \$5,000, or sentenced to the State Penitentiary for not less than one year or more than five years, or by both fine and imprisonment in the discretion of the Court.

§ 7. Whereas, it has been rumored and reported that several members of the present session of the Legislature have been offered positions or offices, and

Whereas, it also has been reported that the relatives of several of our Representatives and Senators have likewise been offered positions or offices, with the executive branch of our State Government, or its subsidiary branches, thereby influencing passage of unwise legislation and hampering the passage of wise, just and equitable legislation, and

Whereas, it was reported in the press recently that the relatives of several of the members of the House and Senate, brothers, sisters, or children of such, have been employed by the Executive Branch of our State Government since the blanket and wholesale order was given by our Governor in December, dismissing and discharging many state employees, and

Whereas, this practice was severely denounced by both the Honorable Albert Benjamin Chandler and Judge King Swope, who were respective candidates on both the Democratic and Republican Tickets for Governor, during both the Primary and General Elections, and

Whereas, this resolution is not for the purpose of embarrassing our Governor but for the purpose of assisting him as well as warning him what some of his subordinates are reported to be doing so that this nefarious practice may be stopped immediately, if true:

Therefore, in order that wise, just and equitable legislation may be passed and enacted into law by a Legislature unfettered, unhampered and uninfluenced with and by lobbyists, either from the Executive Branch of our State Government and its subsidiary branches, or by lobbyists representing outside interests, and in order to keep undefiled this body of lawmakers, an emergency is hereby declared to exist and this Act will take effect from and after its passage and approval by the Governor.

By Mr. Farnsley:

H. B. 221. An Act to amend and re-enact Section 3713, Chapter 89a, Carroll's Kentucky Statutes, 1930 Edition, entitled "Municipal Corporations, Creation and Organization."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3713 of the Kentucky Statutes, Chapter 89a, Carroll's Kentucky Statutes, 1930 Edition, entitled "Municipal Corporations, Creation and Organization", be and the same is hereby amended by striking from said section the words "one hundred and twenty-five inhabitants", and inserting in lieu thereof, the words "two hundred legal voters", so that said section when amended, shall read as follows:

"No such city shall become incorporated unless it contains at least two hundred legal voters residing within the boundaries proposed to be established for such city; nor shall the boundary of any city, when incorporated, exceed one-fourth of a mile in each direction, the form of the city being square: Provided however, That any unclassified municipality or incorporated taxing district having by its charter a grant of municipal powers and now exercising the same, and having at least two hundred and fifty inhabitants residing within the boundary proposed to be established for such city, may be incorporated as a city with its present territorial boundaries."

To Committee on Municipalities.

By Mr. Hulette:

H. B. 222. An Act relating to revenue and taxation and repealing Chapter 148 of the Acts of the General Assembly of 1934, being Section 4019, Kentucky Statutes, Baldwin's 1934 Kentucky Statute Service.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No State tax shall be levied, assessed or collected on real estate. Provided, however, that nothing in this Act shall be construed as releasing or prohibiting the collection of any real estate taxes which may be due the State at the time of the effective date of this Act.

§ 2. A tax at the rate of fifty cents (50c) upon each one hundred dollars (\$100.00) of the value of all property which is directed by law to be assessed for taxation except real estate, and except as provided in paragraph (a) and (b) shall be paid annually by the owner, person, or corporation assessed.

(a) A tax at the rate of one-tenth of one per cent shall be paid annually upon the amount of deposits in any bank, trust company, or combined bank and trust company, organized under the laws of this State, or in any national bank of this State, as now provided by law; and

(b) Building and Loan Associations incorporated under the laws of this State, and making loans to members only, shall be assessed except as otherwise provided by law in the manner and at the rate now set forth in Chapter fourteen (14) of the Acts of the extraordinary session of the General Assembly of 1917 (Sections 4019a-6, 4019a-7, 4019a-8, Kentucky Statutes, Carroll's 1930 Edition).

(c) The aggregate amount of taxes realized under this act shall be paid in to the State Treasury and credited to the General Fund to be distributed and applied as may be provided by law.

§ 3. The State Tax Commission shall have no power to increase or decrease the aggregate assessed valuation of the real estate of any county or taxing district thereof, or to increase or decrease the assessed valuation of real estate of any individual, company, association, co-partnership or corporation, either before or after the meeting of the county board of supervisors.

§ 4. Chapter one hundred forty-eight of the Acts of the General Assembly of 1934, being Section 4019, Kentucky Statutes, Baldwin's 1934 Kentucky Statutes Service, hereby is repealed in its entirety, and all other laws and parts of laws in conflict herewith, to the extent of such conflict, hereby are repealed.

To Committee on Kentucky Statutes No. 1.

By Mr. Mollette:

H. B. 223. An Act establishing as a part of the primary system of public roads of the Commonwealth of Kentucky a road in Johnson County, Kentucky, known as the Caudill Highway.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the Primary System of Public Roads of the Commonwealth of Kentucky, a road, beginning at mouth of Sycamore in Johnson County, Kentucky, on the Mayo Trail and intersecting therewith; thence up Toms Creek to the mouth of Froggonry creek; thence up same to head; thence across the hill to head of Rock House; thence down Rock House by way of Chandlersville to the mouth of same, so as to intersect at that point with the Sitka Blaine Road Project. Being a distance of approximately 14 miles.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways.

To Committee on Roads and Highways No. 2.

By Mr. Mollette:

H. B. 224. An Act establishing as a part of the primary system of public roads of the Commonwealth of Kentucky a road in Johnson County, Kentucky, known as the Whippoorwill road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the Primary System of public roads of the Commonwealth of Kentucky, a road, beginning near the mouth of Paint Creek intersecting the Garrett Highway No. 40 near the bridge across Big Sandy River, Johnson County, Kentucky; thence down the river to the mouth of Muddy Branch; thence up Muddy Branch to the head of same; thence down Whip-Poor-Will Creek to the Mouth of Rush Fork of Toms Creek intersecting with Mayo Trail No. 23 at Dr. W. R. Castle farm, to be known as Project No.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways.

To Committee on Roads and Highways No. 2.

By same:

H. B. 225. An Act establishing as a part of the primary system of public roads of the Commonwealth of Kentucky, a road in Johnson County, Kentucky, known as the Offutt road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the Primary System of public roads of the Commonwealth of Kentucky, a road, beginning at the mouth of Two-Mile Creek in Johnson County, Kentucky, on the Garrett Highway and intersecting

therewith; thence down Greasy Creek to Offutt, thence down the east side of the river to the river ferry, thence across the river and up the west side to the mouth of Toms Creek, thence up Toms Creek by way of same so as to intersect with the Mayo Trail where it crosses Toms Creek at the W. R. Castle farm. To be known as Project No.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways.

To Committee on Roads and Highways No. 2.

By Mr. Hunnicutt:

H. B. 226. An Act authorizing water districts in Counties of this State which have been organized and operating under and in pursuance to an Act of the General Assembly of the Commonwealth of Kentucky, approved March 27, 1926, and the amendments thereto, to issue refunding bonds.

Said bill is as follows, viz.:

Whereas, In establishing water districts in pursuance to the above act, it became necessary to levy and assess against the property in said district large and excessive assessments; and,

Whereas, From experience in some of the districts, it was ascertained that a great portion of the property which was included in the original district could not be benefited from the creation of said water district and that other properties not included in the said water district, lying within municipalities and exempted from the assessments, is and will continue to receive great benefits by the creation of said water districts; and,

Whereas, Some of the property which was originally as-

sessed in the districts have since been stricken off and out of the district by an order of the court, as is provided by the act, making it impossible to receive sufficient revenue from said assessments to pay the bonded indebtedness which was created in pursuance to said act in establishing said district; and,

Whereas, To put an additional assessment on the property holders within the district, who have already been overburdened by the original assessment, would be unjust and inequitable: Now, Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Water Districts in counties of this State which have been organized and operating under and in pursuance to an act of the General Assembly of the Commonwealth of Kentucky, approved March 27, 1926, and the amendments thereto, are hereby authorized and empowered to issue refunding bonds for the purpose of refunding any bonded debt, including assessment bonds which have heretofore been issued under the said act and upon which a default in the payment of principal and interest have occurred and such other bonds as may hereafter mature in whole or in part.

§ 2. Said bonds shall be issued under the signature of the Chairman of the Board of Commissioners, the counter-signature of the Treasurer of said Commission and the seal of the district, serially numbered and in such form and denominations, and to run for such time or times, not exceeding thirty years, however, and to mature and be redeemable, as the Board of Commissioners in said Water District shall prescribe by ordinance or resolution. Said bonds shall bear, not exceeding six per cent per annum interest, as the Board of Commissioners may direct, payable either annually or semi-annually, and shall have interest coupons attached, and shall not be sold for less than par and accrued interest, and their proceeds shall be used exclusively for the refunding of such bonded debts as herein set out and for no other purpose what-

soever. In case any of the officers whose signatures or counter-signatures appear on the bonds or coupons, shall cease to be such officers before delivery of such bonds, such signatures or counter-signatures shall nevertheless be valid for all purposes, the same as if they had been in office until such delivery.

§ 3. Upon the issuance of said bonds, each of said Water Districts shall annually, from delinquent assessment collection and other revenues, carry to the sinking fund of the said Water District, an amount sufficient to pay the annual interest on said bonds and create a fund for their purchase from time to time; and whenever there is a sufficient sum in the sinking fund over and above the amount required for the payment of said interest, it shall be used in the purchasing of so many of said bonds as practical. Any and all such bonds shall have and are hereby declared to have in the hand of bona fide holders all the qualities of negotiable instruments under the law merchant and shall not be subject to taxation.

§ 4. This being a case of emergency, in the fact that Water Districts have bonded debts, some of which are now past due and in default, due to the fact that a number of the property holders are now delinquent and in default on the payment of their assessments and the foreclosure of said lien at this time would cause said property holder to sacrifice his property, and due to the further fact that there are no provisions made in the said law to permit the refunding of said bond, therefore, this act shall take effect from and after its passage and approval by the Governor.

To Committee on Public Utilities.

By Mr. Hunicutt:

H. B. 227. An Act to exempt water districts in Counties of the State organized, established and operating under and in pursuance to Chapter 139 of the Acts of 1926 and the

amendments thereto from the provisions or operation of Chapter 104A of the Acts of 1934, known as Public Utilities Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That water districts of counties in this State, organized, established and operating under and in pursuance to the laws of this Commonwealth, established especially to govern the establishment and operation of said water districts as is provided by Chapter 139, Acts of 1926, and amendments thereto are hereby exempted from the provisions or operation of Chapter 104A of the Acts of 1934 known as Public Utilities Act, and the same shall not be effective insofar as said Water Districts are concerned.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

To Committee on Public Utilities.

By Mr. Fitzpatrick:

H. B. 228. An Act for the provision of one day rest out of seven days for regularly employed Police Officers in Police Departments of all cities within the Commonwealth of Kentucky; under the classification of First, Second and Third Class Cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all regularly employed members of the Police Department, of First, Second and Third Class Cities, within the Commonwealth of Kentucky, shall be relieved from duty one day out of each seven days, and, that no deduction of pay shall be made for the said one day as hereinbefore described,

Any member of said Police Department, as hereinbefore described, who has been duly appointed and served as a police officer for a period of six months or longer, shall for the purpose of this act, be considered as "regularly employed."

It shall be that in the event of failure on part of the supervising officers in charge of said Police Department, to relieve said member in accordance with this act, that, said member who did not deceive his day of relief, said member is to receive for said failure, provided on said day said member was required, and did perform his full duties, double pay for said day.

All acts or parts of acts in conflict herewith are hereby repealed.

This Act shall become effective from and after the date of its passage.

To Committee on Cities 2nd Class.

By Mr. Hammons:

H. B. 229. An Act to permit J. W. Beams to sue the State of Kentucky.

Said bill is as follows, viz.:

Whereas, J. W. Beams was injured while working for the Highway Department June 14, 1934, by a truck, sustaining the fracture of the bones of the leg between the knee and ankle and mashed in the hip and from which he was caused to suffer great pain, was confined to hospitals, bed and indoors for eleven months, and all without any fault on his part, Now

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the said Beams be permitted to, within six months following the passage of this act, institute an action in the county in which said injury was sustained for damages on account of said injury; and, in the event injury shall be awarded,

that the Auditor of this state shall draw his draft upon the Treasury of the State for the satisfaction of such judgment.

To Committee on Claims.

By Mr. Wall:

H. B. 230. An Act establishing as a part of the Primary System of State Highways of the Commonwealth of Kentucky, a road from the Murray-Paducah Road No. 95 to the Mayfield-Aurora Road No. 98 in Marshall County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the Primary System of State Highways of the Commonwealth of Kentucky, a road beginning at Albert Lee's gasoline station situated on the Murray-Paducah road No. 95 in the town of Hardin, running east two-tenths of a mile; thence north three-tenths of a mile to the Mayfield-Aurora road No. 98, where it passes the property of R. M. Gardner in Marshall County, Kentucky, to be designated as Project No.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to all the laws now in existence or to be hereafter enacted in relation to same.

To Committee on Roads and Highways No. 2.

By Mr. Steely:

H. B. 231. An Act proposing a Constitutional Amendment pertaining to Contested Seats in both Houses of the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That upon concurrence of three-fifths of the members elected to each house of the General Assembly, the yeas and nays being taken thereon and entered in full in their respective journals, the Constitution of the Commonwealth of Kentucky be amended, and that thereby Section 38 of the Constitution shall be repealed wherein it directs that the house shall judge the qualifications of its members, as to their election and contest cases, and that upon the passage of said amendment all contested seats of both houses shall be decided by courts of law as provided by Section 1596a-12, 1933 Supplement to Carroll's Kentucky Statutes.

The amendment set forth herein shall be submitted to the voters of the State for their ratification or rejection at the time and manner provided for under Section 1459 of Carroll's 1930 Edition of the Kentucky Statutes, and under Sections 256 and 257 of the Constitution of Kentucky, and under any and all other provisions relating thereto of the Constitution of Kentucky and laws of the Commonwealth of Kentucky in force at the time of the submission.

To Committee on Constitutional Amendments.

By same:

H. B. 232. An Act to amend section 4224b-2, Carroll's Kentucky Statutes relating to the diverting of a portion of the gasoline tax to State and County for other purposes, and declaring and emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4224b-2 of Carroll's Kentucky Statutes be amended to read as follows:

Tax paid in to the state treasurer; Uses to be applied:

All taxes collected under the provisions of this act shall be paid in to the state treasurer, and shall be used as follows:

1.) Three-fifths of the amount collected shall be used for the purpose of construction, reconstruction, maintenance, and repair of road, highways and bridges.

2.) One-fifth thereof shall be credited to the general expenditure fund.

3.) The remaining one-fifth shall, by the Auditor of Public Accounts, on or before the fifteenth day of the second month following the end of each quarter be credited to a fund known as the "County Road and Bridge Fund" and shall distribute said fund immediately to the several counties of the Commonwealth in the following manner:

One-third of said County Road and Bridge Fund shall be distributed among the one hundred and twenty counties of the state equally. One-third of said County Road Fund shall be distributed to the one hundred and twenty counties of the state, on a basis of population; that is to say, each county shall receive that proportion of the said fund which its population bears to the population of the State. In determining the population of the State and the several counties the Auditor shall use as a basis the official United States census of 1930. One-third of the said County Road Fund shall be distributed to the hundred and twenty counties of the state on a basis of square-mile area; that is to say that each county shall receive that proportion of said fund which its area in square miles bears to the square-mile area of Kentucky.

The treasurers of the several counties of the Commonwealth shall receive and accept the funds so transmitted to them and credit same to the road and bridge fund of their respective counties. The fiscal courts shall first direct the payment annually from the road fund to the sinking fund, all of such fund so received under this act, or such sum which is sufficient to make the payments upon the principal and inter-

est of the bonded indebtedness of such county created by the construction and/or maintenance of public roads, or bridges, or the procurement of rights of way therefor, or if there be no bonded indebtedness, then all the funds so received under the provisions of this act shall be applied to the payment of the floating indebtedness created by the construction and/or maintenance of public roads and bridges in the county, and, if there be no bonded or floating indebtedness created by the construction and/or maintenance of public roads and bridges within the counties, then such fund so received by the provisions of this act shall be expended under the orders of the Fiscal court in the manner deemed most necessary and expedient by them in meeting the indebtedness and/or current and/or floating indebtedness of their counties.

Whereas, The present state revenue does not meet the immediate needs of maintenance of the State government, its agencies and subdivisions and the State's credit is threatened with impairment, an emergency is declared to exist; and this act shall become a law and be effective immediately upon its passage.

To Committee on Kentucky Statutes No. 1.

By Mr. Lee:

H. B. 233. An Act repealing and re-enacting Section 4399-15, Carroll's Kentucky Statutes Supplement, 1934 Edition, duties of county boards of education where the division lines of subdistrict intersect neighborhoods of two or more counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4426a-4, Carroll's Kentucky Statutes,

1930 Edition, be and the same is hereby repealed and re-enacted to read as follows:

It shall be the duty of the boards of education in counties where the boundary lines of a sub-district intersects a neighborhood, where the convenience requires for the good of the children residing in such neighborhood, to lay off a sub-district composed of parts of all counties effected. The selection, and payment of teacher and the control of the school in such sub-district shall be lodged in the county board of the county in which the school building is located, and the county boards of the other county or counties shall pay such proportion of the expenses of said school as the number of pupil children in said county or counties shall bear to the whole number of children in said sub-district.

In the sub-district as thus constituted one trustee, who may reside in the portion of either county included in said sub-district shall be elected from the sub-district at large, but said sub-district trustee shall be deemed a resident of the educational division of the controlling county as hereinbefore provided. The duties of the trustee of such fractional sub-district shall be the same as those of other sub-district trustees, save that in making a census of the children of school age residing in the sub-district he shall list the children of the two or more counties separately and make returns separately to each county superintendent of children residing in the respective counties.

To Committee on Education No. 1.

By Mr. Carter:

H. B. 234. An Act to repeal Section 3629 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, relating to Marshals, his powers and duties and the collection of taxes in cities of the fifth class and creating in lieu thereof a Police Department in cities of the fifth class, vesting the appointing

power of the Chief of Police, policeman, number, term of office, grades and compensation in the city council of cities of the fifth class, fixing their duties and qualifications and term of office and how elected.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3629 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed, amended and re-enacted so that when re-enacted it will read as follows:

The city council of cities of the fifth class shall have power to appoint a police force, the number, grades, compensation and all regulations thereof to be provided by ordinance from time to time, whose term of office shall not exceed two years from the date of election, subject to removal for cause.

§ 2. No person shall be eligible as a policeman who is not at the time of his appointment a citizen of the United States and of the State of Kentucky, a resident of the city, at least twenty-one years of age, or who is not sober and of good moral character, or who has been convicted of a felony, or who can not read and write the English language intelligibly.

§ 3. Every policeman shall take an oath faithfully to perform the duties of his office, and that he possesses the several qualifications required in this act.

§ 4. The Chief of Police and every policeman shall have power to execute warrants of arrest, processes, subpoenas and attachments for witnesses, whether the same be directed to them or not. They and each of them shall have the power to arrest as is prescribed by the general law for offenses against ordinances or municipal regulations of the city, and the same power of arrest for offenses against the Commonwealth of Kentucky that the sheriff has. Fees for any services under the section shall be the same as allowed by law to sheriffs and

other officers for such services, but the city council may by ordinance direct that said fees be paid into the city treasury when the chief of police and policemen are employed on a salary.

§ 5. The policemen under this act shall have the authority to make arrests anywhere in the county in which the city is located but shall not be required to police any territory outside of the city limits.

§ 6. Persons arrested for any bailable offense may be placed in the station house, county jail, or city jail, if necessary, for safe-keeping until taken before the police court for examination.

§ 7. The city council shall have power to appoint a chief of police, who shall hold his office for a term of not longer than two years, or until his successor is appointed and qualified, subject to the power of removal for good cause at any time by the city council.

§ 8. The Chief of Police shall be in command of the police force of the city. He shall attend all sessions of the city council, execute the orders thereof and preserve order thereat. He shall attend all sessions of the city court, or have one of the police officers there, who shall act as sheriff of said court and execute all processes, orders and judgments of said court and he shall be entitled to the same fee for like service and to the same remedies for collecting his fees as the sheriff is entitled to, except that where he is employed on a salary by the city council and it is prescribed by ordinance that he shall turn said fees over to the city treasury he shall collect all fees due him and turn them over to the city treasury. The chief of police shall have supervision of the city jail, if the city has one, and the chain gang. It shall be the duty of the chief of police or any policeman of the city to cause proceedings to be instituted against any person carrying on business, or doing any act for which a license is required, without paying such license.

§ 9. The chief of police shall collect all taxes placed in his hands for collection by the city council, except such license taxes and taxes paid by banks, trust companies, building associations and other corporations, which taxes shall be paid directly to the treasurer. He shall on the first Monday in each month, pay to the treasurer all taxes and other funds of the city collected by him the preceding month. He shall upon payment of the money file with the treasurer an affidavit stating that the money so paid is all the taxes or funds he has collected or received during said month. He shall upon receipt of any tax list give his receipt for same to the city clerk, and shall upon depositing with the city clerk the delinquent tax list, take his receipt therefor.

§ 10. The city council may appoint a city tax collector, who shall perform the duties pertaining to the collection of taxes as heretofore set out in this chapter, but who shall give bond in such sum as may be required by the city council before entering upon the discharge of his duties.

§ 11. The chief of police before entering upon the discharge of his duties shall execute bond with good surety, in the sum of Two Thousand (\$2,000.00) Dollars, and each policeman before entering upon the discharge of his duties shall execute bond with good surety in the sum of \$1,000.00, to be approved by the city council, to the Commonwealth of Kentucky for the benefit of whom it may concern, that he will faithfully discharge all the duties of his office and pay over all sums of money that may come into his hands to the person entitled thereto; and for any unlawful arrests, or unnecessary or cruel treatment or assault in making an arrest, he and his sureties shall be liable to the person so injured on said bond.

§ 12. All acts or parts of acts in conflict herewith are hereby repealed, and if any provision of this act is held invalid, it shall not affect in any way the other provisions of the act, which shall remain in full force and effect.

To Committee on Kentucky Statutes No. 1.

By Mr. Coleman:

H. B. 235. An Act relating to roads and highways and fixing a project to be added to the Primary System of Roads and Highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be placed on the State Primary road system a road beginning at or near the residence of John B. Barnes (and store) and near the intersection of the Old Mt. Vernon and Somerset Road with Highway No. 80; thence nearly West crossing the Somerset and Crab Orchard Road, about $\frac{1}{2}$ mile South of Dabney Postoffice, intersecting with the Science Hill and Union Church Road near the ford of Pitman Creek, thence nearly west to Science Hill, crossing the C. S. Railway near Depot, intersecting Highway No. 27 in the town of Science Hill near Peoples Bank, Methodist Church and other buildings, over Main Street in said town.

This road established to be entitled to and receive all benefits of such laws as are now or may hereafter be enacted relating to the Primary System of Highways in the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Munford:

H. B. 236. An Act providing that the publication of a fair and impartial report or the publication of the whole or a fair synopsis of any bill, report, resolution, bulletin, notice, petition or proceeding before any State or City Legislative or Executive body, board or officer, or the publication of any

pleading, indictment, warrant or other document in any criminal or civil action or proceeding in any court of competent jurisdiction shall be privileged, unless it shall be proved that such publication was maliciously made.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The publication of a fair and impartial report of the proceedings before any State or City Legislative or Executive body, board of officers, or the whole or a fair synopsis of any bill, report, resolution, bulletin, notice, petition, or other document, presented, filed, or used in any proceeding before any State or City Legislative or Executive body, board or officer, shall be privileged, unless it shall be proved that such publication was maliciously made.

The publication of a fair and impartial report or the whole or a synopsis of any indictment, warrant, affidavit, pleading or other document in any criminal or civil action or proceeding in any court of competent jurisdiction, shall be privileged, unless it is proved that the same was published maliciously, or that the defendant has refused or neglected upon request of the plaintiff to publish a reasonable explanation or contradiction thereof, giving the explanation or contradiction the same prominence and space as given the original publication, or that the publisher has refused upon the request of the plaintiff to publish the subsequent determination of such suit or proceeding. Provided that nothing in this Act shall authorize the publication of any indecent matter.

To Committee on Kentucky Statutes No. 1.

By Mr. Wall:

H. B. 237. An Act for the protection of Deer and Elk, amending and re-enacting Section 1938a-16, Kentucky Statutes,

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 83 of the Acts of the General Assembly of 1934, being Section 1938a-16, Kentucky Statutes, Carroll's 1934 Supplement, be amended and re-enacted, and when so amended and re-enacted shall read as follows, to wit:

No person shall, in the State of Kentucky, hunt, pursue, chase, catch, kill, injure or molest any elk or deer. Any person violating this section, or any feature thereof, shall upon conviction, be fined not less than fifty dollars (\$50.00) or more than one hundred dollars (\$100.00) for each offense.

To Committee on Fish and Game.

By Mr. Wall:

H. B. 238. An Act for the protection of Wild Turkey, Imported Pheasant and Hungarian Partridge, amending and re-enacting Section 1938a-6, Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 82 of the Acts of the General Assembly of 1934, being Section 1938a-6, Kentucky Statutes, Carroll's 1934 Supplement, be amended and re-enacted, and when so amended and re-enacted shall read as follows, to wit:

No person shall catch, kill or pursue with such intent, or have the same in his possession after it has been caught or killed, any wild turkey, imported pheasant and Hungarian partridge. Any person violating this section, or any feature thereof, shall be guilty of a misdemeanor and shall, upon conviction be fined not less than fifteen dollars (\$15.00) nor more than fifty dollars (\$50.00) for each offense.

To Committee on Fish and Game.

By Mr. Hulette:

H. Res. 25. Resolution authorizing the personal representatives of Sarah Marks and Gladys Madison and Daisy Carter, to sue the Commonwealth for damages for the death of said women who lost their lives in the State Normal School at Frankfort.

Said resolution is as follows, viz.:

Whereas, on December 13, 1926, the dormitory for girls at the Kentucky Normal and Industrial College for colored persons near Frankfort, Kentucky, was destroyed by fire; and

Whereas, Daisy Carter, and Gladys Madison, and Sarah Marks, and Annie May Pennington, each lost her life in said fire; and,

Whereas, the family of each one named are worthy poor persons; and,

Whereas, the General Assembly of 1930 has already authorized a suit to be filed for the death of said Annie May Pennington: Now, Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of Sarah Marks, daughter of E. K. Marks of Fayette County, Kentucky; and the personal representative of Gladys Madison, daughter of J. L. Madison, of Wayne County, Kentucky; and the personal representative of Daisy Carter, daughter of John Carter of Anderson County, Kentucky; be and each of them is hereby empowered and authorized to file suit and to prosecute appropriate actions against the Commonwealth of Kentucky for the purpose of determining the liability of the Commonwealth for such death, if any liability there should be established. In the event of judgment, same shall be paid by the

Auditor of Public Accounts by warrant drawn on the State Treasurer. Such action may be brought in the Franklin Circuit Court, the county where said fire occurred, and all parties shall have the right of appeal as in other civil cases.

To Committee on Claims.

By Mr. Lee:

H. Res. 26. Joint House resolution appropriating \$296.81 to Hazel Duncan for services rendered McCreary County Board of Education.

Said resolution is as follows, viz.:

Whereas, Hazel Duncan was employed by the McCreary County Board of Education to teach in the Worley School for a term of seven months during the school year 1933-34 at a salary of forty-two and 41/100 (\$42.41) dollars per month; and,

Whereas, several teachers had declined nomination to the school because of its inaccessibility and the fact that the high cost of board and transportation would practically consume the ridiculously low salary, and said Hazel Duncan could board with an uncle for a nominal sum; and,

Whereas, said Hazel Duncan taught under such employment for the period of seven months with the understanding that her certificate issued for teaching in the public schools of Tennessee would be validated for teaching in Kentucky; and,

Whereas, said Hazel Duncan rendered capable, efficient, and satisfactory services in aforesaid school under conditions which rendered it practically impossible to replace her, but because of the fact that a technicality in the certification law prevented the validation of her certificate is unable to draw her salary therefor; Now, Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated from the general ex-

penditure fund of the Commonwealth of two hundred ninety-six and 81/100 (\$296.81) dollars, to be paid to Miss Hazel Duncan for services rendered to the McCreary County Board of Education in the Worley school of McCreary County, Kentucky, as teacher for seven months in 1933-34.

All laws or parts of laws in conflict herewith are hereby repealed.

To Committee on Appropriations No. 1.

By Mr. Lee:

H. Res. 27. Joint resolution appropriating \$184.00 to Georgia Taylor for services rendered Wayne County Board of Education.

Said resolution is as follows, viz:

WHEREAS, Georgia Taylor, of Monticello, Wayne County, Kentucky, was employed by the Wayne County Board of Education to teach in the Common Schools of Wayne County, Kentucky, for a period of seven months during the school year of 1929-30; and

WHEREAS, Said Georgia Taylor taught under such employment for the period of three months and two weeks, with the understanding that a certificate was to be issued to her by the Eastern State Teachers College; and

WHEREAS, Because of a misunderstanding as to credits allowed for correspondence work no certificate was issued to her by said school; whereupon she was relieved of further duty by the county superintendent of Wayne County Schools without payment of one hundred eighty-four (\$184.00) dollars due her for the services; and

WHEREAS, Said Georgia Taylor rendered capable, efficient, and satisfactory services as teacher in aforesaid county, but because of the fact that no certificate was granted to her as expected is unable to draw a salary therefor: now, Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the general expenditure fund of the Commonwealth the sum of one hundred eighty-four (\$184.00) dollars, to be paid to Miss Georgia Taylor for services rendered to the Wayne County Board of Education in the school year 1929-30.

All laws or parts of laws in conflict herewith are hereby repealed.

To Committee on Appropriations No. 1.

By same:

H. Res. 28. Joint resolution appropriating \$124.38 to Owen D. Anderson for services rendered McCreary County Board of Education.

Said resolution is as follows, viz.:

WHEREAS, Owen Donald Anderson of Stearns, McCreary County, Kentucky, was employed by the McCreary County Board of Education to teach in the White Oak Junction School for a term of seven months during the school year 1933-34 at a salary of forty-nine and 75/100 (\$49.75) dollars per month; and

WHEREAS, Said Owen Donald Anderson taught under such employment for the period of five months and two weeks with the understanding that a certificate was to be issued to him by the Division of Certification of the State Department of Education on work done in Berea College; and

WHEREAS, Because of a misunderstanding as to credits required in professional subjects no certificate was issued to him by said agency; whereupon he was relieved of further duty by the Board of Education of McCreary County without payment of his salary for the period of two months and two weeks; and

WHEREAS, Said Owen Donald Anderson rendered capable, efficient, and satisfactory services as teacher in aforesaid school, but because of the fact that no certificate was granted to him as expected is unable to draw a salary therefor; Now, Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the general expenditure fund of the Commonwealth the sum of one hundred twenty-four and 38/100 (\$124.38) dollars, to be paid to Owen Donald Anderson for services rendered in the White Oak Junction school of McCreary county, Kentucky, as teacher for two months and two weeks in 1933-34.

All laws or parts of laws in conflict herewith are hereby repealed.

To Committee on Appropriations No. 1.

By Mr. Myers:

H. Res. 29. RESOLUTION authorizing Ben Wiley, an infant, by his Guardian or next friend and Barner Wiley, the father of said Ben Wiley to sue the Commonwealth of Kentucky and the State Highway Commission or either.

Said resolution is as follows, viz:

WHEREAS, on the 18th day of March, 1935, Ben Wiley of Warren County, Kentucky, was riding upon a two-horse wagon in company with his father, the said Barner Wiley and an uncle and while traveling along and upon the State Highway or road known as the Bowling Green-Morgantown Road and about three miles West of Bowling Green at the Jennings Creek Bridge when a road scraper being the property of the State of Kentucky and being used and operated at the time by the employees of the State Highway Commission in the performance of their duties was so negligently and

carelessly operated as to be permitted to get out of control and strike said wagon and the said Ben Wiley, and

WHEREAS the said Wiley's pelvis bone and legs were broken and he suffered other serious wounds about his head, body and person and that he was painfully and permanently injured, disabling and incapacitating him from manual labor for the remainder of his life, and

WHEREAS, the said Ben Wiley is now 14 years of age and is unable because of his said injuries to do any labor and that he was permanently crippled and was further required to expend the sum of Five Hundred Dollars (\$500.00) for medical attention and was confined to the Bowling Green City Hospital for 10 weeks and required to pay hospital and medical bills in the sum of Five Hundred Dollars (\$500.00), and whereas he suffered great mental and bodily pain and anguish and is permanently crippled by reason of one leg being shorter than the other, and

WHEREAS he has sustained these serious and permanent injuries and suffered a great mental pain and anguish by reason of the alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the State's business: Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Ben Wiley be and he is hereby authorized and permitted to sue by his Guardian or next friend and that his father, Barner Wiley be permitted to sue the Commonwealth of Kentucky and the State Highway Commission or either in the Circuit Court of the County of his residence for such damages and for such mental pain and anguish as he may have suffered, if any, by reason of any injury received by him through the carelessness or negligence of the State Highway Commission, its agents or employees. Said suit shall be for any amount not exceeding the sum of Ten Thousand Dollars (\$10,000.00) and in the event any judgment

is recovered by said Wiley in said suit for injuries to himself or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the General Fund.

§ 2. Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

To Committee on Claims.

The Speaker announced that he had referred bills heretofore introduced as follows, viz:

- H. B. 197. To Committee on Suffrage and Elections.
- H. B. 198. To Committee on Teachers Colleges.
- H. B. 199. To Committee on Appropriations No. 1.
- H. B. 169. To Committee on Circuit Courts.
- H. B. 171. To Committee on State & National Parks.
- H. B. 172. To Committee on State & National Parks.
- H. B. 174. To Committee on Kentucky Statutes No. 1.
- H. B. 186. To Committee on Roads and Highways No. 1.
- H. B. 188. To Committee on Court of Appeals.
- H. B. 177. To Committee on Cities 2nd Class.
- H. B. 176. To Committee on Cities 1st Class.

H. B. 187. To Committee on Public Health No. 2.

H. B. 189. To Committee on Kentucky Statutes No. 1.

H. B. 196. To Committee on Codes of Practice.

H. B. 183. To Committee on Kentucky Statutes No. 1.

H. B. 184. To Committee on Kentucky Statutes No. 1.

H. B. 190. To Committee on Kentucky Statutes No. 1.

H. B. 175. To Committee on Kentucky Statutes No. 1.

Mr. Fitzpatrick moved that privilege of the floor be extended to Mr. Orie S. Ware.

Said motion was agreed to.

Mr. Garnett moved that the privilege of the floor be extended to Mr. Joseph Everhart of Louisville, Kentucky.

Said motion was agreed to.

Mr. McConnell moved that the privilege of the floor be extended to Mr. Cummins.

Said motion was agreed to.

The Committees to which the same had been previously referred, reported bills of the following titles, viz:

By Mr. Dunlap of the Committee on Kentucky Statutes No. 1:

H. Res. 22. Resolution for the relief of R. G. Holbrook, Sheriff of Owen County, Kentucky, for mileage and expenses incurred by him as agent for the Commonwealth.

S. B. 14. An Act authorizing, empowering and directing the Governor to cause to be made an audit, study and survey of Departments, Institutions, Boards, Commissions and Agencies of the Commonwealth.

S. Res. 13. Resolution providing for a contingent fund for the Clerk of the Senate and Clerk of the House.

By Mr. Grogan of the Committee on Banks and Banking:

S. B. 1. An Act to repeal, amend and re-enact subsec. 2 Chapter 28, of the Acts of 1918, being sec. 2223b-2, Kentucky Statutes, Carroll's Edition 1930, relating to the organization of loan and investment companies in cities of the first and second class and extending the terms thereof to cities of the third class.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were read at length the first time and ordered to be placed in the Calendar.

Mr. Dunlap of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported bills of the following titles, viz.:

H. B. 22. An Act to authorize State Planning Board to prepare a report on reorganization of local units of Government and to permit the consolidation of counties, cities and municipalities within the state of Kentucky.

H. B. 44. An Act repealing Chapter 20 of the Acts of the Extraordinary Session of the General Assembly of 1934, defining motor vehicles classed as trucks, providing for registration fees of such motor vehicles.

With the expression of opinion that said bills ought not to pass.

No further action having been taken by the House and no motion having been made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, it was ordered that said bills be not read the first time.

And so said bills were rejected.

Mr. McCarthy, of the Contest Committee heretofore appointed in this House in the case of Speevack vs. Anderson, offered the following report, viz:

The Committee on Contest Case No. 2, Speevack vs. Anderson, to which the same had been referred, has had under consideration contest case aforesaid and have considered the payment of fees to the Attorneys, the cost involved, and hereby recommend that no fees or costs be allowed.

Marion T. McCarthy, Chairman;
Carl Schneider,
Ben Johnson,
James T. Hamilton,
Clyde Howard,
Henry Stewart,
Ben Grogan.

Mr. McCarthy moved that said report be approved and adopted.

Said motion was agreed to.

Thereupon said report was approved and adopted by the House.

By unanimous consent, Mr. Gnau offered the following resolution, viz.:

Whereas, J. J. Thomas of the 96th Legislative District, has, by this House, been declared the duly elected and qualified Representative from that Legislative District, and

Whereas, he has been declared entitled to all the rights, privileges and emoluments of that office, and

Whereas, he has been present in Frankfort, Kentucky, since the first day of this session and has been ready, able, and willing to discharge all the duties of that office, and

Whereas, he has been administered the oath of office as provided for the 96th Legislative District, and

Whereas, this House has always allowed to a successful candidate the statutory per diem from the first day of the session: Now, Therefore

Be It Resolved, by the House of Representatives that the Clerk issue such vouchers and such papers as may be necessary to Hon. J. J. Thomas so that he may immediately receive his per diem and other expenses allowed for his office.

Said resolution was adopted.

The House took up for consideration from the Calendar, bills and resolutions of the following titles, viz.:

H. B. 21. An Act to repeal and re-enact Kentucky Statutes, Sec. 1475 changing the ways and the rights of blind voters.

S. B. 3. An Act relating to primary elections.

H. B. 40. An Act providing that Building Associations making loans with real estate mortgages as security shall have a Registered Architect as a member of the Board or Committee on Appraisals, etc.

With a Committee Amendment thereto.

H. B. 42. An Act authorizing and empowering the State Park Commission to acquire lands, equipment and facilities for park and recreational purposes; etc.

H. B. 34. An Act to repeal, amend and re-enact Section 1938a-5, Carroll's Kentucky Statutes, pertaining to and fixing the time for hunting rabbits.

With a Committee Amendment thereto.

H. Res. 13. Resolution authorizing F. E. Gross and Mrs. F. E. Gross to sue the Commonwealth of Kentucky and the State Highway Commission.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length being dispensed with, said bills and resolutions were read the second time by their titles, only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

A message was received from the Senate announcing that they had passed a bill which originated in this House entitled:

H. B. 8. An Act empowering and authorizing the Court of Appeals of the Commonwealth of Kentucky to render advisory opinion as to the constitutionality of any bill or measure pending in either the House or Senate during any regular or special session of the General Assembly of the Commonwealth of Kentucky, upon written request by the Governor.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

And that they had passed a bill and resolution which originated in that body, entitled:

S. B. 8. An Act amending so much of Section 965, Kentucky Statutes, Carroll's 1930 Edition, as relates to the 28th Judicial District, and changing the time for holding the session of Circuit Courts in the counties of the 28th Judicial District of Kentucky.

S. Res. 8. Concurrent resolution of the Senate of Kentucky and the House of Representatives of the General Assembly of Kentucky, requesting the United States Senate and the Congress to immediately enact legislation to provide for a constitutional amendment to take the place of the A. A. A.

Ordered that said bill be printed and referred.

Ordered that said resolution be referred.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 18. An Act for the purpose of notifying the Commonwealth's Attorney of persons discharged from the penitentiary.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Wardens of the penitentiaries in the Commonwealth of Kentucky, upon the release of any prisoner from confinement in the penitentiary, shall forward the name

of the person so released to the Commonwealth's Attorney from the County or District which sent him to the penitentiary.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. Nickell offered the following amendment thereto by way of substitute therefor, viz.:

An Act relating to the release of prisoners from penitentiaries, State reformatories and houses of reform in the Commonwealth of Kentucky and providing for notice to county officials and district attorneys, when said persons are released from any of said institutions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be the duty of the Warden of the penitentiary, the Superintendent of the State Reformatory and the Superintendent of the Houses of Reform in the Commonwealth of Kentucky, upon the release of any prisoner or inmate from confinement in any of said institutions to immediately notify the Commonwealth's Attorney of the district, the County Attorney and Sheriff of the County and the Chief of Police of the City, to which the said inmate is released, of said release and giving his residence and the person's name to whom he was released.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being

engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	W. L. Hampton, Jr.	A. W. Pfeiffer
C. W. Anderson, Jr.	Thomas W. Hines	J. C. Ramey
W. T. Baker	Price Holbrook	Hobart Rayburn
G. M. Ballard	Clyde S. Howard	Harry C. Records
B. F. Bedford	Ira W. Hulette	L. K. Rice
Reuben J. Boling	John M. Hunnicut	Wade H. Riley
Douglas Bolling	Ben W. Johnson	Joe E. Robinson
Ollie J. Bowen	O. C. Jones	John C. Robinson
Wallace Brown	R. T. Kirkman	W. T. Rollo
Jas. C. Carter	J. F. Ladd	A. W. Ross
V. O. Chandler	Leslie Larrimore	Carl Scheben
Floyd Clark	Robert E. Lee	Carl Schneider
Roscoe Claxon	M. T. McCarthy	Ray O. Shehan
J. A. Coleman	T. B. McConnell	Dr. B. F. Shields
Roy Conway	J. L. McDermott	P. L. Sidebottom
Herbert Cook	Lloyd MacDonald	Chester D. Silvers
Sam Dever	W. F. McGary	Bruce Sloan
Stanley S. Dickson	Elmer McGlothen	H. C. Steely
George W. Dunlap	C. S. Matherly	Henry Stewart
Howard G. Early	D. T. Matlack	Dr. H. S. Swope
Walter R. Fannin	Duke Mayfield	W. R. Tapp
T. P. Fitzpatrick	G. S. Milam	J. J. Thomas
H. Myer Garner	W. H. Miller	S. J. Wagner
G. W. Garrett	John B. Mollett	Joseph L. Wall
James Garnett, Jr.	W. E. Mull	Henry Ward
Ferd A. Gnau	Tyler Munford	L. R. Wells
Eugene Gough	Rodes K. Myers	W. G. Williams
Ben Grogan	J. C. Nickell	Charles Wylie
Jas. T. Hamilton	Russell O'Neill	
C. L. Hammons	Mel Petry	

There voted in the negative—

Chas. P. Farnsley

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Resolved that the title thereof be as amended.

Mr. Nickell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 45. An Act repealing Chapter 19 of the Acts of the Extraordinary Session of the General Assembly of 1934 pertaining to passenger automobiles and providing for registration fees of such motor vehicles and amending and re-enacting same and declaring an emergency to exist.

Mr. Myers moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 11. An Act relating to the regulation of road houses, eating and drinking stands, and other places of public entertainment lying outside of the limits of incorporated towns and cities.

With Committee amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no road house, eating place, drinking place, or place of public entertainment at which people assemble to eat, drink, sing, dance, bathe, or engage in any game or entertainment for either profit or amusement, or any tourist camp, shall be permitted to operate in the Commonwealth of Kentucky outside of the corporate limits of any incorporated city or town unless its owner or proprietor shall have first made application to the County Court in which it is located for a permit to operate and shall have procured from the Court such a permit and the application shall be addressed to the Court and it shall state the location of the business, the name of the owner and proprietor and the nature of the business, and any permit granted by the Court shall be by an order duly entered of record in the order book of the Court, and it shall not extend beyond the first day of the following January. The order shall specifically state such facts as are required in the application, and it shall provide for proper hours of operation by a provision which shall be uniform for places of business of like nature throughout the County, and the Court may at any time following its granting such permit revoke same. Before revoking the permit the County Attorney or the Court shall cause the hearing for the revocation of the permit to be placed on the docket of the County Court in the name of the Commonwealth of Kentucky against the name of the owner and proprietor stated in the permit, and the County Attorney shall give the owner or proprietor named in the permit five days' notice in writing of the time, place and purpose of the hearing, provided the notice may be executed by posting a copy of same on either the front door or at a conspicuous place on the premises in the event it shall appear by the return of the officer serving the notice that he visited the premises and failed to find at the premises the owner or proprietor named in the permit, and upon the trial

of the cause, which shall be before the Court without the intervention of a jury, such orders as appear to the Court as right and proper shall be entered.

No application for a permit shall be considered unless the same shall be accompanied by a fee of twenty dollars (\$20.00), and that portion of the fee over and above the amount required to pay the usual fees of the County Court Clerk for entering the order of permit shall be paid into the County Treasury as revenue of the County, but no fees shall be collected in the event the permit shall not be granted.

§ 2. No person shall be granted a permit who is not of good moral character or who will not in the judgment of the Court obey the laws of the Commonwealth of Kentucky in the carrying on of the business, and any one or more of the following reasons shall be sufficient grounds for revoking the permit:

(1) To suffer or permit drunken, disorderly or boisterous persons, or persons of lewd and lascivious reputation, to congregate in, near or about the premises or to permit them to use in or about the premises intoxicating liquors;

(2) To suffer or permit people to congregate there and to occupy any hidden or secreted room or place from which the view of the public is obstructed;

(3) To suffer or permit the premises to be occupied or used as a place of assemblage or entertainment at later hours than those stated in the permit.

§ 3. It shall be a misdemeanor for any owner or proprietor coming within the purview of this act to suffer or permit his premises to be used in the manner set out under either (1), (2) or (3), of the preceding section, and the penalty on a conviction for such violation shall be a fine of not exceeding \$200.00 or imprisonment in the County Jail not exceeding ninety days or both fine and imprisonment in the discretion of the Court or Jury trying the case, and in the event of a conviction the judgment shall include a revocation of

the permit, and the Quarterly Court and Circuit Court shall have concurrent jurisdiction to try the charge.

§ 4. It shall be the duty of all peace officers and County Patrolmen to visit regularly such premises, and on their observing any violation of this act by the owner or proprietor or manager or employee, they shall make arrests without warrants for violations committed within their presence.

§ 5. Nothing in this act shall apply to any private home nor to the entertainment of the bona fide guests in a private home.

Said Amendments as offered by the Committee are as follows, viz.:

1. Amend H. B. 11 by adding the following sections:

“Section 6. From the judgment of the County Court the applicant for or the holder of a permit may prosecute an appeal to the Circuit Court and from that Court to the Court of Appeals in the manner now provided by law. From the judgment of the County Court the Commonwealth may prosecute an appeal to the Circuit Court and from that Court to the Court of Appeals in the manner now provided by law.

Section 7. Whereas, in many counties in Kentucky numerous road houses are being operated in such a manner as to constitute an uncontrollable public nuisance under the law now in force and are breeding places for crime and are resulting in numerous law violations throughout the State, an emergency is declared to exist and this Act shall become effective upon its adoption by the General Assembly and approval by the Governor.”

2. Amend H. B. 11 by striking the word “proper” and inserting in lieu thereof the word “reasonable” in the last line of page 1 on the original bill.

3. Amend H. B. 11 by inserting the words “for immoral or unlawful purposes” before words “and to occupy” in line 10, page 3 of the printed bill.

Said amendments were each and severally agreed to.

Mr. Myers offered the following amendment to said bill, viz.:

Amend H. B. 11 by striking the words and figures "Twenty (20)" and inserting in lieu thereof the words and figures "Five (5)" in line 33 of page 2, of the printed bill.

Said amendment was agreed to.

Mr. Hammons offered the following amendment to said bill, viz.:

Amend H. B. 11 by adding Section to read as follows:

That this Act will not interfere with plans of businesses other than specified in Section 1 of the printed bill, and nothing in this Act shall apply to filling stations, grocery stores, general stores, or other places of business which are not conducted for entertainment purposes.

Said amendment was agreed to.

Mr. Myers moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being

engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Jas. T. Hamilton	Russell O'Neill
C. W. Anderson, Jr.	C. L. Hammons	Mel Petry
W. T. Baker	W. L. Hampton, Jr.	A. W. Pfeiffer
G. M. Ballard	Thomas W. Hines	Hobart Rayburn
B. F. Bedford	Price Holbrook	Harry C. Records
Reuben J. Boling	Clyde S. Howard	L. K. Rice
Douglas Bolling	Ira W. Hulette	Wade H. Riley
Ollie J. Bowen	John M. Hunnicut	Joe E. Robinson
Wallace Brown	Ben W. Johnson	John C. Robinson
Jas. C. Carter	O. C. Jones	W. T. Rollo
V. O. Chandler	R. T. Kirkman	A. W. Ross
Floyd Clark	J. F. Ladd	Carl Scheben
J. A. Coleman	Leslie Larrimore	Carl Schneider
Roy Conway	Robert E. Lee	Ray O. Shehan
Herbert Cook	T. B. McConnell	Dr. B. F. Shields
Sam Dever	J. L. McDermott	P. L. Sidebottom
Stanley S. Dickson	Lloyd MacDonald	Chester D. Silvers
George W. Dunlap	W. F. McGary	Henry Stewart
Howard G. Early	Elmer McGlothen	Dr. H. S. Swope
Walter R. Fannin	C. S. Matherly	W. R. Tapp
Chas. P. Farnsley	D. T. Matlack	J. J. Thomas
T. P. Fitzpatrick	Duke Mayfield	S. J. Wagner
H. Myer Garner	G. S. Milam	Joseph L. Wall
G. W. Garrett	John B. Mollett	Henry Ward
James Garnett, Jr.	W. E. Mull	L. R. Wells
Ferd A. Gnau	Tyler Munford	W. G. Williams
Eugene Gough	Rodes K. Myers	Charles Wylie
Ben Grogan	J. C. Nickell	

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Those who voted in the negative were—

Roscoe Claxon	J. C. Ramey	H. C. Steely
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Mr. Myers offered the following amendment to the title of said bill, viz.:

Amend the title of H. B. 11 by adding after word "cities" in last line of title the words: "and declaring an emergency to exist."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Milam moved that the House do now recess until one-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of one-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Shehan moved that the privilege of the floor be extended to Mr. Thomas Hardesty.

Said motion was agreed to.

Mr. Hammons moved that Miss Billie Ann Mollett be appointed an Honorary Page of this House.

Said motion was agreed to.

The House took up for consideration a resolution heretofore reported to this House by the Senate, viz.:

S. Res. 8. Concurrent resolution of the Senate of Kentucky and House of Representatives of the General Assembly of Kentucky, requesting the United States Senate and the Congress of the United States to immediately enact legislation to provide for a constitutional amendment to take the place of the Agricultural Adjustment Act.

Whereas, the farmers of the State of Kentucky have been greatly benefited by the relief accorded them under the Agricultural Adjustment Act; and,

Whereas, the price of their products has been increased materially by the provisions of said act; and,

Whereas, said products before said act was passed were being produced at a loss to the farmers and that the benefits of said act have so increased the price of said products that the farmers of the State have been able to pay their debts and educate their children and save their homes; and,

Whereas, the Supreme Court of the United States has held said act unconstitutional and the effect of said ruling will deprive the farmers of the State of the benefits of said act and will cause the prices of the products of the farmers to fall materially; and,

Whereas, the farmers of the State are not now adequately protected and our people are greatly distressed on account of the loss of the benefits of the A. A. A.: Now, Therefore,

Be it Resolved by the Senate of the Commonwealth of Kentucky and the House of Representatives concurring:

That the Congress and the Senate of the United States immediately enact legislation to provide for a constitutional amendment to take the place of the Agricultural Adjustment Act, and provide if it be possible the same relief that the farmers enjoyed under said A. A. A.

Be it Further Resolved, That the Chief Clerk of the Senate be directed to send copies of this resolution to the Clerks of the House and Senate of the Congress of the United States and to each member of Congress from Kentucky.

Dr. Shields moved that the House do now concur in said resolution.

Said motion was agreed to.

And then the House concurred in said resolution.

Dr. Shields moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 21. Joint resolution creating a Legislative Committee to investigate and inspect properties of the Commonwealth of Kentucky, and provide for the payment of expenses of said Committee, and declaring an emergency to exist.

Said resolution is as follows, viz.:

JOINT RESOLUTION

Whereas, no legislative investigation or inspection of the properties of the Commonwealth of Kentucky has been made for several years and whereas it is the duty of the General Assembly of the Commonwealth to investigate, inspect and know the physical condition of said properties; and,

Whereas the General Assembly will at its special session take up for consideration the rehabilitation of the State Institutions and desires to be in possession of all the facts concerning the physical condition and the management of such institutions and other State properties; and,

Whereas the Governor of the Commonwealth desires that such inspection and investigation be made prior to the consideration of the rehabilitation of such institutions: Now, Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a committee of the General Assembly on the investigation and inspection of the properties of the Commonwealth of Kentucky and said Committee shall be composed of ten (10) members, six (6) from the House of Representatives and four (4) from the Senate, and the Speaker of the House shall appoint the six (6) members of the House of Representatives and the President of the Senate shall appoint the four (4) members of the Senate; immediately upon said appointment being made in the House and in the Senate, said Committee shall meet and organize by electing one of its members Chairman and one Secretary. After the organization of the Committee, said Committee shall arrange its visits to said properties as soon as practicable and on such dates as shall be determined by the Committee, and the Secretary of said Committee shall notify the person or persons in charge of said properties of the day or days that said Committee will visit said property and inspect the same.

For the purpose of making said inspection and investigation said Committee is hereby empowered and authorized, when in the judgment of the Committee it is deemed advisable, to summons to appear before it any persons to testify before it concerning the nature, condition or management of said property, and is hereby authorized to administer to such persons the proper oath and to proceed and question such persons and to command them to bring before it any records in their possession relating or pertaining to the operation of said properties. Said committee is further vested with the power to punish for contempt any person refusing to obey said summons, or answering the summons to refuse to answer any questions relevant to the matter in hand, propounded to them.

Whenever such testimony is taken such Committee shall

be empowered to employ a stenographer to take such hearings and to transcribe them for the use of the Committee and of the General Assembly.

All Peace Officers of the Commonwealth of Kentucky shall obey the orders of said Committee and serve any and all papers that may come into their hands and make due return thereof to the Chairman of the Committee and for such services shall be paid the fees provided by law for the serving of such process. Such fees due to any officer shall be certified by the Chairman of said Committee to the Auditor of Public Accounts for payment in the manner prescribed by law for the payment of claims against the Commonwealth of Kentucky.

All expenses of said Committee, including transportation and hotel expenses when said Committee is absent from Frankfort, Kentucky, shall be paid by the Commonwealth of Kentucky; and in the event said Committee shall not complete its duties before the adjournment of the regular session, said Committee is hereby authorized to continue its work, and in addition to the expenses heretofore provided for, shall be allowed the regular per diem allowed them for legislative services, such expenses and the per diem entitled to be received by the Committee shall be certified by the Chairman of the Committee to the Auditor of Public Accounts who shall authorize the payment of same in the same manner as now prescribed by law for the payment of claims against the Commonwealth of Kentucky. For the purpose of paying expenses and per diem, if any, there is hereby appropriated from the general fund of the Commonwealth the sum of Five Thousand (\$5,000.00) Dollars, but any unexpended part thereof upon the dissolution of said Committee shall revert to and become part of the general fund.

The report of said Committee being necessary for the report of the General Assembly of the rehabilitation of the State Institutions in order that the General Assembly may

have the facts concerning the conditions and management of such institutions when it considers such matters in a special session of the General Assembly called for such purposes and it being necessary that said Committee begin to perform its duties as soon as possible in order to have its report ready, an emergency is declared to exist and this resolution shall become effective upon its adoption by the General Assembly and approval by the Governor.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Stanley S. Dickson	Ira W. Hulette
C. W. Anderson, Jr.	George W. Dunlap	John M. Hunnicut
H. T. Baker	Howard G. Early	Ben W. Johnson
W. T. Baker	Garland Embry	J. H. Jones
G. M. Ballard	Walter R. Fannin	O. C. Jones
B. F. Bedford	Chas. P. Farnsley	R. T. Kirkman
Reuben J. Boling	T. P. Fitzpatrick	J. F. Ladd
Douglas Bolling	H. Myer Garner	Leslie Larrimore
Ollie J. Bowen	G. W. Garrett	Robert E. Lee
Wallace Brown	James Garnett, Jr.	M. T. McCarthy
Dr. R. A. Byers	Ferd A. Gnau	T. B. McConnell
Floyd Clark	Eugene Gough	W. F. McGary
Roscoe Claxon	Ben Grogan	Elmer McGlothen
George S. Clay	Jas. T. Hamilton	John Marshall
J. A. Coleman	C. L. Hammons	D. T. Matlack
Roy Conway	W. L. Hampton, Jr.	Duke Mayfield
Herbert Cook	Price Holbrook	John B. Mollett
Sam Dever	Clyde S. Howard	W. E. Mull

Tyler Munford	Joe E. Robinson	Henry Stewart
Rodes K. Myers	John C. Robinson	Dr. H. S. Swope
J. C. Nickell	W. T. Rollo	W. R. Tapp
Russell O'Neill	A. W. Ross	J. J. Thomas
Mel Petry	Carl Scheben	S. J. Wagner
A. W. Pfeiffer	Carl Schneider	Joseph L. Wall
J. C. Ramey	Ray O. Shehan	L. R. Wells
Harry C. Records	Dr. B. F. Shields	W. G. Williams
L. K. Rice	P. L. Sidebottom	Charles Wylie
Wade H. Riley	Chester D. Silvers	—83

Those who voted in the negative were—

Jas. C. Carter	Lloyd MacDonald	W. H. Miller
Thomas W. Hines	C. S. Matherly	H. C. Steely
		—6

Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Speaker announced that he had referred a bill which was reported from the Senate on to-day as follows:

S. B. 8. To Committee on Kentucky Statutes No. 1.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 31. An Act amending so much of Section 965, Kentucky Statutes, Carroll's 1930 Edition, as relates to the 28th Judicial District, and changing the time for holding the sessions of Circuit Courts in the counties of the 28th Judicial District of Kentucky.

Mr. Coleman moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 13. An Act proposing an amendment to the Constitution of the Commonwealth of Kentucky pertaining to public offices and providing that all constitutional or other public offices in Kentucky in the executive, judicial and legislative departments, except the offices of Governor, Lieutenant Governor, Auditor of Public Accounts, Attorney General, Judges of the Court of Appeals, Circuit Judges and members of the General Assembly may be abolished, etc.

Mr. Brown moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 10. An Act repealing Chapter 20 of the Acts of the Extraordinary Session of the General Assembly of 1934 defining motor vehicles classed as trucks, providing for registration fees of such motor vehicles, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 20 of the Acts of the Extraordinary Session of the General Assembly of 1934 be repealed, amend-

ed and re-enacted so that when said Act is re-enacted it shall read as follows:

That all motor vehicles, excluding such as are mentioned in subsection c of Section 2739g-2, Carroll's Kentucky Statutes, 1930 Edition, and excluding motor vehicles engaged in hauling passengers for hire, are classified as trucks and the annual registration fee shall be as follows:

Those having a capacity of one thousand pounds or less, ten (\$10.00) dollars; those having a capacity of more than one thousand pounds and up to two thousand pounds twenty-two (\$22.00) dollars; those having a capacity of more than two thousand pounds and up to three thousand pounds, forty (\$40.00) dollars; those having a capacity of more than three thousand pounds and up to four thousand pounds, fifty-two (\$52.00) dollars; those having a capacity of more than four thousand pounds and up to five thousand pounds, sixty-three (\$63.00) dollars; those having a capacity of more than five thousand pounds and up to six thousand pounds, seventy-one (\$71.00) dollars; those having a capacity of more than six thousand pounds and up to seven thousand pounds, ninety-three (\$93.00) dollars; those having a capacity of more than seven thousand pounds and up to eight thousand pounds, one hundred and twelve (\$112.00) dollars; those having a capacity of more than eight thousand pounds, and up to nine thousand pounds, one hundred and thirty-eight (\$138.00) dollars; those having a capacity of more than nine thousand pounds and up to ten thousand pounds, one hundred and eighty-seven (\$187.00) dollars; those having a capacity of more than ten thousand pounds, two hundred and thirty (\$230.00) dollars; and twenty-five (\$25.00) dollars for each additional ton or fraction of a ton in excess of ten thousand pounds. The applicant for license for a motor truck shall state in his application the capacity of the truck.

§ 2. The registration fees as provided herein, the issuance of receipts, duplicates, tags, and the transfer of such receipts and tags, and the accounting for fees, and all other

things required to be done in connection with the same, shall be done as, and at the time and in the manner as is now or may hereafter be provided by law. One-half of all moneys raised by this tax shall be evenly distributed among the one hundred and twenty counties, one two hundred and fortieth ($1/240$) of all truck licenses going to each of the counties, for the county road funds.

§ 3. Whereas the people of Kentucky have expressed themselves as predominantly in favor of the repeal of the "gross receipts Act of 1934" and whereas Chapter 20 of the Acts of the Extraordinary Session of the General Assembly of 1934 was enacted by reason of the enactment of the said gross receipts Act of 1934 and whereas said gross receipts Act and Chapter 20 of the Acts of the Extraordinary Session of 1934 constitutes an unfair and unreasonable burden on certain classes of taxpayers, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Wallace Brown	Roy Conway
C. W. Anderson, Jr.	Dr. R. A. Byers	Stanley S. Dickson
W. T. Baker	Jas. C. Carter	George W. Dunlap
G. M. Ballard	V. O. Chandler	Garland Embry
B. F. Bedford	Floyd Clark	Walter R. Fannin
Reuben J. Boling	Roscoe Claxon	T. P. Fitzpatrick
Douglas Bolling	George S. Clay	H. Myer Garner
Ollie J. Bowen	J. A. Coleman	G. W. Garrett

James Garnett, Jr.	J. L. McDermott	Joe E. Robinson
Ferd A. Gnau	Lloyd MacDonald	John C. Robinson
Eugene Gough	W. F. McGary	W. T. Rollo
Ben Grogan	Elmer McGlothen	A. W. Ross
Jas. T. Hamilton	C. S. Matherly	Carl Scheben
C. L. Hammons	D. T. Matlack	Carl Schneider
W. L. Hampton, Jr.	Duke Mayfield	Ray O. Shehan
Thomas W. Hines	W. H. Miller	Dr. B. F. Shields
Price Holbrook	John B. Mollett	P. L. Sidebottom
Clyde S. Howard	W. E. Mull	Chester D. Silvers
Ira W. Hulette	Tyler Munford	H. C. Steely
John M. Hunnicut	Rodes K. Myers	Henry Stewart
Ben W. Johnson	J. C. Nickell	Dr. H. S. Swope
J. H. Jones	Russell O'Neill	W. R. Tapp
O. C. Jones	Mel Petry	J. J. Thomas
R. T. Kirkman	A. W. Pfeiffer	S. J. Wagner
J. F. Ladd	J. C. Ramey	Joseph L. Wall
Leslie Larrimore	Hobart Rayburn	Henry Ward
Robert E. Lee	Harry C. Records	L. R. Wells
M. T. McCarthy	L. K. Rice	W. G. Williams
T. B. McConnell	Wade H. Riley	Charles Wylie

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Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 20. An Act authorizing the Kentucky Planning Commission to prepare a business Directory of the State of Kentucky.

With Committee Amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly:

§ 1. That the Kentucky State Planning Board is hereby authorized to prepare a directory citing the location and giving a general outline of the activities of the principal industries within the State of Kentucky.

§ 2. That the said directory shall contain photographs with descriptions of various manufacturing plants within the State of Kentucky. That this directory shall list possible locations for new manufacturing plants and other industries. Also, this directory shall contain a summary of the various natural resources within the State of Kentucky, together with a business prospectus of the various industries of the State of Kentucky, description of the arterial highways, railway and bus connections to the various cities, and recommendations for possible locations of industrial plants to serve as a guide for investors.

§ 3. That the said Planning Board is hereby empowered to solicit voluntary subscriptions from the various industries and manufacturing plants within the State of Kentucky to carry out the provisions of this Act.

§ 4. That copies of this Business Directory of the State of Kentucky shall be sent without charge and with the compliments of the State of Kentucky and Kentucky Industries to the various branches of the Chamber of Commerce in the cities of the United States containing over one hundred thousand population, and to all of the cities of the State of Kentucky, and to Investment Institutions.

Said amendments as offered by the Committee are as follows, viz.:

1. Amend H. B. 20, Section 3, by adding after the word "Act" the words: "In no event shall the cost of preparation, publication or distribution be paid with State funds and said Board shall expend no more to carry out the provisions of

this Act than is contributed and actually paid in for such purposes."

2. Amend H. B. 20 by adding in Section 1 after the words "Planning Board" the words: "or its successor".

Said amendments were each agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Sam Dever	Clyde S. Howard
C. W. Anderson, Jr.	Stanley S. Dickson	Ira W. Hulette
H. T. Baker	George W. Dunlap	John M. Hunnicut
W. T. Baker	Howard G. Early	Ben W. Johnson
G. M. Ballard	Garland Embry	J. H. Jones
B. F. Bedford	Walter R. Fannin	O. C. Jones
Reuben J. Boling	Chas. P. Farnsley	R. T. Kirkman
Douglas Bolling	T. P. Fitzpatrick	J. F. Ladd
Ollie J. Bowen	H. Myer Garner	Leslie Larrimore
Wallace Brown	G. W. Garrett	Robert E. Lee
Dr. R. A. Byers	James Garnett, Jr.	M. T. McCarthy
Jas. C. Carter	Eugene Gough	T. B. McConnell
V. O. Chandler	Ben Grogan	J. L. McDermott
Floyd Clark	Jas. T. Hamilton	Lloyd MacDonald
George S. Clay	C. L. Hammons	W. F. McGary
J. A. Coleman	W. L. Hampton, Jr.	C. S. Matherly
Roy Conway	Thomas W. Hines	D. T. Matlack
Herbert Cook	Price Holbrook	Duke Mayfield

G. S. Milam	Harry C. Records	Bruce Sloan
W. H. Miller	L. K. Rice	H. C. Steely
John B. Mollett	Wade H. Riley	Henry Stewart
W. E. Mull	Joe E. Robinson	Dr. H. S. Swope
Tyler Munford	John C. Robinson	W. R. Tapp
Rodes K. Myers	W. T. Rollo	J. J. Thomas
J. C. Nickell	A. W. Ross	S. J. Wagner
Russell O'Neill	Carl Scheben	Joseph L. Wall
Mel Petry	Carl Schneider	Henry Ward
A. W. Pfeiffer	Ray O. Shehan	L. R. Wells
J. C. Ramey	Dr. B. F. Shields	Charles Wylie
Hobart Rayburn	Chester D. Silvers	

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Resolved that the title thereof be as aforesaid.

Mr. Scheben moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 10. An Act reducing the State tax on gasoline from five cents to four cents per gallon, and repealing and re-enacting Sec. 4224-b-1, Carroll's Kentucky Statutes, 1930 Edition, Baldwin's Revision, being a part of Chapter 127 of the Acts of 1928.

Mr. Milam moved that said bill be made a Special Order of the Day for Thursday, January 23, at eleven-thirty o'clock A. M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 9. An Act repealing Chapter 19 of the Acts of the Extraordinary Session of the General Assembly of 1934 pertaining to passenger automobiles and providing for registration fees of such motor vehicles and amending and re-enacting same and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 19 of the Acts of the Extraordinary Session of the General Assembly of 1934 be repealed, amended and re-enacted so that when said Act is re-enacted it shall read as follows:

Automobiles primarily designed for carrying passengers and having provisions for not more than seven passengers, including the operator, shall be classed as passenger automobiles and the annual registration fees for same shall be as follows:

For each passenger car having less than 22-horsepower, Six Dollars (\$6.00); for each such car having 22 horsepower and less than 32 horsepower, Seven Dollars and Twenty Cents (\$7.20); for each such car having 32 horsepower or more, Twelve Dollars (\$12.00), and "horsepower" within the meaning of this Act shall be calculated on the rating fixed by the Society of Automobile Engineers.

§ 2. The registration fee for each motorcycle shall be Three Dollars (\$3.00), and for each sidecar attached thereto, One Dollar and Fifty Cents (\$1.50).

§ 3. Whereas the people of Kentucky have expressed themselves as predominantly in favor of the repeal of the "Gross Receipts Act of 1934" and whereas Chapter 19 of the Acts of the Extraordinary Session of the General Assembly of 1934 was enacted by reason of the enactment of the said Gross Receipts Act of 1934 and whereas said Gross Receipts Act and Chapter 19 of the Acts of the Extraordinary Session of 1934 constitutes an unfair and unreasonable burden on cer-

tain classes of taxpayers, an emergency is hereby declared to exist and this Act shall become effective upon its passage and approval by the Governor.

Mr. Myers offered the following amendment to said bill, viz.:

Amend S. B. 9 by striking out all of Section 1 after word "be" in line 7 of page 1 and all of Section 2 and add in lieu thereof the words: "Three Dollars."

Section 2. The registration fee for each motor cycle shall be \$1.50 (One Dollar and Fifty Cents) and for each side car attached thereto \$1.00 (One Dollar).

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Milam and Myers, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Sam Dever	John M. Hunnicut
C. W. Anderson, Jr.	Howard G. Early	Ben W. Johnson
H. T. Baker	Garland Embry	J. H. Jones
W. T. Baker	Walter R. Fannin	O. C. Jones
G. M. Ballard	T. P. Fitzpatrick	R. T. Kirkman
B. F. Bedford	H. Myer Garner	J. F. Ladd
Reuben J. Boling	G. W. Garrett	Leslie Larrimore
Douglas Bolling	James Garnett, Jr.	Robert E. Lee
Ollie J. Bowen	Ferd A. Gnau	M. T. McCarthy
Dr. R. A. Byers	Eugene Gough	T. B. McConnell
Jas. C. Carter	Ben Grogan	J. L. McDermott
V. O. Chandler	Jas. T. Hamilton	Lloyd MacDonald
Roscoe Claxon	C. L. Hammons	W. F. McGary
George S. Clay	W. L. Hampton, Jr.	C. S. Matherly
J. A. Coleman	Price Holbrook	D. T. Matlack
Roy Conway	Clyde S. Howard	Duke Mayfield
Herbert Cook	Ira W. Hulette	G. S. Milam

W. H. Miller	Hobart Rayburn	Chester D. Silvers
John B. Mollett	Harry C. Records	Bruce Sloan
Tyler Munford	L. K. Rice	Henry Stewart
Rodes K. Myers	W. T. Rollo	Dr. H. S. Swope
J. C. Nickell	A. W. Ross	J. J. Thomas
Russell O'Neill	Carl Scheben	S. J. Wagner
Mel Petry	Carl Schneider	Henry Ward
A. W. Pfeiffer	Ray O. Shehan	L. R. Wells
J. C. Ramey	P. L. Sidebottom	W. G. Williams

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Those who voted in the negative were—

Wallace Brown	Elmer McGlothen	W. R. Tapp
Floyd Clark	Wade H. Riley	Joseph L. Wall
Stanley S. Dickson	Joe E. Robinson	Charles Wylie
George W. Dunlap	Dr. B. F. Shields	
Thomas W. Hines	H. C. Steely	

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Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Roscoe Claxon	T. P. Fitzpatrick
H. T. Baker	George S. Clay	H. Myer Garner
G. M. Ballard	J. A. Coleman	G. W. Garrett
B. F. Bedford	Roy Conway	James Garnett, Jr.
Reuben J. Boling	Herbert Cook	Ferd A. Gnau
Douglas Bolling	Sam Dever	Eugene Gough
Ollie J. Bowen	Stanley S. Dickson	Ben Grogan
Wallace Brown	Howard G. Early	Jas. T. Hamilton
Dr. R. A. Byers	Garland Embry	C. L. Hammons
Jas. C. Carter	Walter R. Fannin	W. L. Hampton, Jr.

Price Holbrook	D. T. Matlack	A. W. Ross
Ira W. Hulette	Duke Mayfield	Carl Scheben
John M. Hunnicut	W. H. Miller	Carl Schneider
Ben W. Johnson	John B. Mollett	Ray O. Shehan
J. H. Jones	W. E. Mull	Dr. B. F. Shields
O. C. Jones	Tyler Munford	P. L. Sidebottom
R. T. Kirkman	Rodes K. Myers	Chester D. Silvers
J. F. Ladd	J. C. Nickell	Bruce Sloan
Leslie Larrimore	Russell O'Neill	Henry Stewart
Robert E. Lee	Mel Petry	Dr. H. S. Swope
M. T. McCarthy	A. W. Pfeiffer	W. R. Tapp
T. B. McConnell	J. C. Ramey	S. J. Wagner
J. L. McDermott	Hobart Rayburn	Henry Ward
Lloyd MacDonald	Harry C. Records	L. R. Wells
W. F. McGary	L. K. Rice	W. G. Williams
Elmer McGlothen	John C. Robinson	Charles Wylie
C. S. Matherly	W. T. Rollo	—80

Those who voted in the negative were—

W. T. Baker	Thomas W. Hines	H. C. Steely
Floyd Clark	Clyde S. Howard	J. J. Thomas
George W. Dunlap	Wade H. Riley	Joseph L. Wall
Chas. P. Farnsley	Joe E. Robinson	—11

Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 30. An Act amending and re-enacting Section 436, Carroll's Kentucky Statutes, 1930 Edition, and defining the duties of constables in this Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section No. 436, Carroll's Kentucky Statutes, 1930 Edition, be amended and re-enacted so that when amended and re-enacted the same will read as follows:

Sec. 436. Duties Constables may perform. Constables may execute bench warrants, warrants of arrest, distress or other warrants, summons, subpoenas, attachments, notices, rules and orders of Court in all criminal, penal and civil cases, and shall return all such processes, noting the time of execution on them to the Courts or persons issuing them, except that no Constable or his deputy shall execute any warrant of arrest, nor shall he arrest any person or persons for the violation of any of the motor vehicle laws of this Commonwealth.

Mr. Hammons offered the following amendment to said bill, viz.:

Amend H. B. 30 by adding Section thereto, to read as follows: That the constable will have the right to enforce the Truck Regulations Act of 1932.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	H. T. Baker	B. F. Bedford
C. W. Anderson, Jr.	W. T. Baker	Reuben J. Boling

Douglas Bolling	C. L. Hammons	Mel Petry
Ollie J. Bowen	W. L. Hampton, Jr.	A. W. Pfeiffer
Wallace Brown	Thomas W. Hines	J. C. Ramey
Dr. R. A. Byers	Price Holbrook	Hobart Rayburn
V. O. Chandler	Ira W. Hulette	Harry C. Records
Floyd Clark	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Joe E. Robinson
George S. Clay	O. C. Jones	John C. Robinson
J. A. Coleman	R. T. Kirkman	W. T. Rollo
Roy Conway	Leslie Larrimore	A. W. Ross
Herbert Cook	Robert E. Lee	Carl Scheben
Stanley S. Dickson	M. T. McCarthy	Carl Schneider
George W. Dunlap	T. B. McConnell	Ray O. Shehan
Howard G. Early	J. L. McDermott	Dr. B. F. Shields
Garland Embry	Lloyd MacDonald	P. L. Sidebottom
Walter R. Fannin	W. F. McGary	Chester D. Silvers
T. P. Fitzpatrick	Elmer McGlothen	Bruce Sloan
H. Myer Garner	C. S. Matherly	H. C. Steely
G. W. Garrett	D. T. Matlack	Henry Stewart
James Garnett, Jr.	Duke Mayfield	Dr. H. S. Swope
Ferd A. Gnau	John B. Mollett	J. J. Thomas
Eugene Gough	W. E. Mull	S. J. Wagner
Ben Grogan	Rodes K. Myers	L. R. Wells
Jas. T. Hamilton	Russell O'Neill	W. G. Williams

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Those who voted in the negative were—

G. M. Ballard	J. C. Nickell	Henry Ward
Jas. C. Carter	Wade H. Riley	Charles Wylie
Chas. P. Farnsley	W. R. Tapp	
J. H. Jones	Joseph L. Wall	

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Resolved that the title thereof be as aforesaid.

Mr. Silvers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Dunlap moved that the Rules of this House be suspended for the purpose of allowing Committees to report.

Said motion was agreed to.

Thereupon Mr. Dunlap of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported bills of the following titles, viz.:

H. B. 156. An Act relating to the fiscal courts composed of County Judge and County Commissioners repealing and re-enacting Section 1850, Kentucky Statutes, Carroll's 1930 Edition.

With a Committee Amendment thereto.

With the expression of opinion that said bill ought to pass.

Mr. Garnett moved that the report of said committee be laid on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Garnett and Gnau, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	James Garnett, Jr.	G. S. Milam
H. T. Baker	Ferd A. Gnau	W. E. Mull
G. M. Ballard	Eugene Gough	Tyler Munford
B. F. Bedford	John M. Hunnicut	Rodes K. Myers
Jas. C. Carter	Ben W. Johnson	Harry C. Records
Walter R. Fannin	J. H. Jones	Wade H. Riley
Chas. P. Farnsley	J. F. Ladd	W. T. Rollo
H. Myer Garner	Robert E. Lee	Carl Schneider
G. W. Garrett	D. T. Matlack	H. C. Steely

Dr. H. S. Swope
W. R. Tapp

L. R. Wells

W. G. Williams

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Those who voted in the negative were—

W. T. Baker	Ben Grogan	Mel Petry
Douglas Bolling	Jas. T. Hamilton	A. W. Pfeiffer
Ollie J. Bowen	W. L. Hampton, Jr.	J. C. Ramey
Wallace Brown	Thomas W. Hines	Hobart Rayburn
Dr. R. A. Byers	Price Holbrook	L. K. Rice
V. O. Chandler	Ira W. Hulette	Joe E. Robinson
Floyd Clark	O. C. Jones	John C. Robinson
Roscoe Claxon	R. T. Kirkman	Carl Scheben
George S. Clay	M. T. McCarthy	Dr. B. F. Shields
J. A. Coleman	T. B. McConnell	P. L. Sidebottom
Roy Conway	J. L. McDermott	Bruce Sloan
Herbert Cook	Lloyd MacDonald	Henry Stewart
Sam Dever	Elmer McGlothen	J. J. Thomas
Stanley S. Dickson	C. S. Matherly	S. J. Wagner
George W. Dunlap	Duke Mayfield	Joseph L. Wall
Howard G. Early	John B. Mollett	Henry Ward
Garland Embry	J. C. Nickell	Charles Wylie
T. P. Fitzpatrick	Russell O'Neill	—53

Dr. Shields moved that the vote by which the House refused to lay said report on the table be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Thereupon said bill was read the first time at length and ordered to be placed on the Calendar.

By Mr. Dunlap of the Committee on Kentucky Statutes No. 1:

H. B. 175. An Act to repeal, amend and re-enact Section 1529 Carroll's Kentucky Statutes, 1930 Edition, relating to

filling of vacancies in the office of county Judge and declaring an emergency.

H. B. 48. An Act making it a felony to solicit, assess, or knowingly receive money from State or Federal Employees for campaign or political purposes.

With an amendment thereto by way of Substitute therefor.

By Mr. McDermott of the Committee on Classification of Cities and Towns:

H. B. 144. An Act to amend Section 2740, Kentucky Statutes, Carroll's Official 1934 Supplement.

By Mr. Matherly of the Committee on Judiciary:

H. B. 60. An Act to repeal, amend and re-enact Section 2087 of Carroll's Revised Statutes of Kentucky, 1930 Edition, relating to heirs and devisees.

H. B. 7. An Act for the purpose of facilitating the identification of persons suspected of or charged with the Commission of Crimes.

H. B. 119. An Act to prohibit any common carrier of messages from collecting service charges and providing penalty therefor.

H. B. 101. An Act amending and re-enacting Section 2132, Carroll's Kentucky Statutes, 1930 Edition, pertaining to surviving husband's and wife's interests in real and personal property.

By Mr. Wall of the Committee on Fish and Game:

H. B. 109. An Act for the protection of furbearing animals, amending and re-enacting Chapter 56 of the Acts of the General Assembly of 1930.

With the expression of opinion that said bills ought to pass.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Wall of the Committee on Fish and Game:

H. B. 35. An Act to repeal, amend and re-enact Section 1934-c-24 Carroll's Kentucky Statutes, pertaining to hunters license and providing the manner of obtaining both hunters license and fishing license at a cost of \$1.50 for each applicant.

With the expression of opinion that said bill ought not to pass,

No further action having been taken by the House and no motion having been made to advance said bill to a reading the report of the Committee to the contrary notwithstanding, it was ordered that said bill be not read the first time.

And so said bill was rejected.

By unanimous consent the following bills were introduced, ordered printed and referred as follows:

By Mr. Tapp:

H. B. 239. An Act providing that bridge tolls paid by sheriffs or other peace officers in the discharge of their duties in connection with any proceeding or litigation may be taxed as costs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Where any peace officer in the discharge of his duties in connection with any pending litigation or proceeding is required to pay toll in crossing over any toll bridge, the expense so incurred by him may be taxed as a part of the costs of such action or proceeding.

To Committee on Judiciary.

By Mr. Tapp:

H. B. 240. An Act adding to the State Primary System of Highways a project connecting Daniel Boone, Hopkins County, Kentucky, with U. S. No. 41 near Williams Coal Company mine, Christian County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is now established as a part of the State Primary System of Highways of Kentucky, a road project beginning at a point on U. S. No. 62 near Daniel Boone, Hopkins County, Kentucky, via Daniel Boone Schoolhouse following the county road as near as practical to a point on U. S. No. 41 near Williams Coal Company property, Christian County, Kentucky, a distance of about six (6) miles.

The road project established in this Act shall have all the rights and benefits of the road laws of this Commonwealth now in force or hereafter enacted.

To Committee on Roads and Highways No. 2.

By Mr. Tapp:

H. B. 241. An Act adding to the State Primary System of Highways a project connecting Nebo with Silent Run Schoolhouse, Hopkins County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is now established as a part of the State Primary System of Highways of Kentucky, a road project beginning at Nebo, via Coiltown and Watson Bridge, following the county road as near as practical to a point on the Dawson Springs-Providence road near Silent Run Schoolhouse, Hopkins County, Kentucky, a distance of about five (5) miles.

The road project established in this Act shall have all the rights and benefits of the road laws of this Commonwealth now in force or hereafter enacted.

To Committee on Roads and Highways No. 2.

By Mr. Tapp:

H. B. 242. An Act adding to the State Primary System of Highways a project connecting U. S. No. 41 at Mitchell's Hill with the Hanson-Cox's Store road, near Buck Wooten's old home, Hopkins County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is now established as a part of the State Primary System of Highways of Kentucky, a road project beginning at a point known as Mitchell's Hill on U. S. No. 41 North of Madisonville, Hopkins County, Kentucky, and running with the old road as near as practical via Tucker's Schoolhouse and Olive Branch Church, and intersecting the Hanson-Cox's Store proposed road at or near the Buck Wooten old home,

Hopkins County, Kentucky, a distance of about five (5) miles.

The road project established in this Act shall have all the rights and benefits of the road laws of this Commonwealth now in force or hereafter enacted.

To Committee on Roads and Highways No. 2.

By same:

H. B. 243. An Act adding to the State Primary System of Highways a project connecting the Old Henderson road North of Cox's Store, in Hopkins County, Kentucky, with U. S. No. 41E at Slaughters, Webster County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is now established as a part of the State Primary System of Highways of Kentucky, a road project beginning at a point on the Old Henderson road in Hopkins County, Kentucky, one (1) mile north of Cox's Store via the Jim Nance farm and M. H. Brown farm and the Dick Dickerson farm following the county road as near as practical to Slaughters, Webster County, Kentucky, and intersecting U. S. No. 41E a distance of about seven (7) miles.

The road project established in this Act shall have all the rights and benefits of the road laws of this Commonwealth now in force or hereafter enacted.

To Committee on Roads and Highways No. 2.

By Mr. Schneider:

H. B. 244. An Act repealing, amending and re-enacting Section 3784, Carroll's Kentucky Statutes, 1930 Edition, relating to the appointment of county patrolmen in counties

having cities of the first class; providing for the appointment of said patrolmen by county commissioners independent of county judges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3784, Carroll's Kentucky Statutes, 1930 Edition, be and same is hereby repealed, amended and re-enacted so when amended and re-enacted same shall read as follows:

“That the county commissioners of any county in the Commonwealth of Kentucky having cities of the first class, may upon the petition of ten (10) citizens and taxpayers in any magisterial district in the county, appoint in such district not exceeding three (3) patrolmen to keep the peace and to continue in service twelve (12) months unless removed by the said Commissioners for neglect of duty or improper conduct. None but discrete and sober citizens shall be appointed such patrolmen and they shall take an oath in the county court for the faithful and impartial performance of their duty, and shall give bond therefor, in the sum of One Thousand Dollars (\$1,000). And when appointed, they shall have jurisdiction co-extensive with the whole county.”

§ 2. That the county judge of any county in this Commonwealth having a city of the first class and where said county has county commission form of government, shall have no voice or vote in the selection of said patrolmen.

§ 3. The commissioners mentioned herein, shall be the commissioners who are regularly elected or appointed as commissioners of the said county to administer the fiscal affairs of said county.

§ 4. The county judge of the counties mentioned herein, having cities of the first class and said counties being operated under the commission form of government have a vote on all fiscal matters brought before said commission, and

whereas, it is contrary to democratic principle to have peace officers, with powers of arrest, to be appointed, selected or controlled by the officer who shall try the defendants arrested by said patrolmen,

Therefore, the said county judge is hereby prohibited from selecting, appointing or voting upon the selection or appointment of any of the county patrolmen mentioned herein.

All laws in conflict herewith are hereby repealed and Section 3784, Carroll's Kentucky Statutes, 1930 Edition, is expressly repealed.

To Committee on Cities First Class.

By Mr. Tapp:

H. B. 245. An Act adding to the State Primary System of Highways a project connecting the Madisonville-Sacramento road with the Jim Vannoy-Browder's Church road, Hopkins County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is now established as a part of the State Primary System of Highways of Kentucky, a road project beginning at Phillips' gasoline station on the Madisonville-Sacramento road, Hopkins County, Kentucky, and running South along the county road as near as practical with the Davis-Wells road via Wilson Schoolhouse and Noble Slaton farm to a point in the Jim Vannoy and Browder's Church road at Alonzo Wooten's farm, a distance of about four (4) miles in Hopkins County, Kentucky.

The road project established in this Act shall have all the rights and benefits of the road laws of this Commonwealth now in force or hereafter enacted.

To Committee on Roads and Highways No. 2.

By Mr. Tapp:

H. B. 246. An Act adding to the State Primary System of Highways a project connecting Manitou, Hopkins County, Kentucky, with Dixon, Webster County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is now established as a part of the State Primary System of Highways of Kentucky, a road project beginning at Manitou, Hopkins County, Kentucky, running via Cox's Store, Ebb Brown's Store and Vandersburg following the county road as near as practical to a point near Dixon, Webster County, Kentucky, on the Dixon-Slaughters road, a distance of twelve (12) miles.

The road project established in this act shall have all the rights and benefits of the road laws of this Commonwealth now in force or hereafter enacted.

To Committee on Roads and Highways No. 2.

By Mr. Tapp:

H. B. 247. An Act adding to the State Primary System of Highways a project connecting U. S. No. 41 North of Nebo Hopkins County, Kentucky, with the Providence-Slaughters road, Webster County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is now established as a part of the State Primary System of Highways of Kentucky a road project beginning

at Morrow's Lane, about one (1) mile North of Nebo, Hopkins County, Kentucky, and running near Grace Cartwright's farm via Corinth Church following the county road as near as practical to a point of intersection on the Slaughters-Providence public road, in Webster County, Kentucky, a distance of about six (6) miles.

The road project established in this Act shall have all the rights and benefits of the road laws of this Commonwealth now in force or hereafter enacted.

By same:

H. B. 248. An Act adding to the State Primary System of Highways a project connecting Hanson and Nebo via Cox's Store, Hopkins County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is now established as a part of the State Primary System of Highways of Kentucky, a road beginning at the intersection of Main Street and U. S. No. 41E at Hanson, Hopkins County, Kentucky, and going in a Westerly direction via Buntin's Schoolhouse and Cox's Store following the county road as near as practical to near Nebo, Hopkins County, Kentucky, a distance of about ten (10) miles.

The road project established in this Act shall have all the rights and benefits of the road laws of this Commonwealth now in force or hereafter enacted.

To Committee on Roads and Highways No. 2.

By Mr. Carter:

H. B. 249. An Act creating and establishing as part of the primary system of State Highways of the Commonwealth of Kentucky, a road in Monroe County, Kentucky, beginning

at Crowe School House on Highway No. 100, and running thence to the Kentucky-Tennessee State Line at Clements-ville, Clay County, Tennessee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is created and established as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road in Monroe County, Kentucky, beginning at the Crowe School House at a point in State Highway No. 100, and running thence via George Compton's and Glenn Jackson's to the Kentucky-Tennessee State line at or near Clements-ville, Clay County, Tennessee, a distance of approximately two (2) miles.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways.

To Committee on Roads and Highways No. 2.

By Mr. Howard:

H. B. 250. An Act to forbid operators of motor vehicles passing school busses or other passenger carrying motor vehicles which are stopped to take on or discharge school children or passengers and providing a penalty for violation of the Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That whenever any school bus or other passenger-carrying motor vehicle is stopped upon or near the main traveled

portion of any highway of this Commonwealth for the purpose of receiving or discharging school children or passengers, any operator of a motor vehicle approaching from either direction shall bring said vehicle to a full stop and not start up or pass until such school bus or other passenger-carrying vehicle has finished receiving or discharging school children or passengers, except at points where reasonable safety isles or zones have been established, approaching vehicles may pass between such safety isle or zone and the curb or edge of the highway.

Any person violating the provisions of this Act shall for each offense be fined not less than ten dollars nor more than one hundred dollars.

By Mr. Sidebottom:

H. B. 251. An Act to amend, repeal and re-enact Chapter 162 of the Acts of the regular session of the General Assembly of Kentucky of 1934, relating to a road leading from the Hearne School House at junction of State Primary 103 in Owen County by Golds Valley School House and Nelse Kinman's Store to a point on State Primary 102 between the residences of Walter Sebastian and Robert Scroggan, in Grant County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 162 of the Acts of the regular session of the General Assembly of Kentucky of 1934 be amended by striking therefrom the following language:

“There is hereby established as a part of the primary system of the State Highways of the Commonwealth of Kentucky, a road beginning at the Hearne School House in Owen County, Kentucky, on State Primary 103, and running by Golds Valley School House, Nelse Kinman's Store and con-

necting with State Primary 102 between the residences of Walter Sebastian and Robert Scroggan, in Grant County, Kentucky.”

And by substituting therefor, the following language:

“There is hereby established as a part of the primary system of the State Highways of the Commonwealth of Kentucky, a road beginning at the Hearne School House in Owen County, Kentucky, on State Primary 103, and running by Golds Valley School House, thence to Nelse Kinman’s Store, thence leaving the established road in a southeasternly direction through the farms of John Sebastian and Roy D. Wood to and connecting with the Wood and Taylor Dirt Road, thence with said dirt road to a point on State Primary 102 at a point between the residences of Jesse Sebastian and Bartley Ballard, in Grant County, Kentucky.”

So that when done said Section will read as follows, to wit:

“There is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road beginning at the Hearne School House in Owen County, Kentucky, on State Primary 103 and running by Golds Valley School House, thence to Nelse Kinman’s Store, thence leaving the established road in a southeasternly direction through the farms of John Sebastian and Roy D. Wood to and connecting with the Wood and Taylor dirt road, thence with said dirt road to a point on State Primary 102 at a point between the residences of Jesse Sebastian and Bartley Ballard, in Grant County, Kentucky.”

The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways, the same as though said road had been named in said original Act as one of the projects of said primary system of highways.

By Mr. Larrimore:

H. B. 252. An Act for the conservation of natural gas and prevention of its waste.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That natural gas shall not be permitted to waste or escape from any well or pipe line, when it is reasonably possible to prevent such waste, after the owner or operator of such gas, or well, or pipe line, has had a reasonable length of time to shut in such gas in the well, or make the necessary repairs to such well or pipe line to prevent such waste: Provided, however, that (a) if, in the process of drilling a well for oil or gas, or both, gas is found in such well, and the owner or operator thereof desires to continue to search for oil or gas, or both, by drilling deeper in search of lower oil or gas-bearing strata, or (b) if it becomes necessary to make repairs to any well producing gas, commonly known as "cleaning out," and if in either event it is necessary for the gas in such well to escape therefrom during the process of drilling or making repairs, as the case may be, then the owner or operator of such well shall prosecute such drilling or repairs with reasonable diligence, so that the waste of gas from the well shall not continue longer than reasonably necessary, and if, during the progress of such deeper drilling or repairs, any temporary suspension thereof becomes necessary, the owner or operator of such well shall use all reasonable means to shut in the gas and prevent its waste during such temporary suspension: Provided Further, That in all cases where both oil and gas are found and produced from the same oil and gas-bearing stratum and where it is necessary for the gas therefrom to waste in the process of producing the oil, the owner or operator shall use all reasonable diligence to conserve and save from waste so much of such gas as it is reasonably possible to save.

In case of waste arising under this Act, the presumption may be indulged that such waste was due to the negligence of the operator.

Any violation of this Act or any provision thereof shall be a misdemeanor and upon conviction for such violation the offender shall be fined not exceeding one thousand (\$1,000) dollars. If the offender be a natural person, he shall be imprisoned not less than ten (10) days nor more than one (1) year at the discretion of the jury.

To Committee on Oils and Minerals.

By Mr. Garrett:

H. B. 253. An Act relating to primary elections; providing for the apportionment of the costs and expenses of holding primary elections between the Commonwealth and the counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the costs of printing and delivering ballots, compensation of election officers, counting and guarding ballots, and all other legal costs and fees and expenses incident to the holding of primary elections which are now, or may hereafter be, authorized by law, shall be apportioned and paid as follows:

§ 2. In all primary elections in any county in which county officers only are to be nominated the costs and expenses of holding said election shall be paid by such county. For the purposes of this Act a county officer is defined to be an officer who is elected to serve within the territorial limits of one county, or within a subdivision of a county or district less than a county. This shall not be construed to include officers of incorporated towns or cities.

§ 3. In all primary elections in any county in which state

officers or district officers of a district larger than one county are to be nominated the costs and expenses of said election shall be paid by the Commonwealth of Kentucky.

§ 4. In all primary elections in any county in which both county officers and state officers or district officers of a district larger than one county are to be nominated, or in which candidates for United States Senator or United States Representative are to be nominated the costs and expenses of said election shall be paid one-half thereof by the Commonwealth of Kentucky and one-half thereof by said county, in the same manner as other claims against the Commonwealth or a county are paid.

§ 5. All laws or parts of laws in conflict herewith, to the extent of such conflict, are hereby repealed.

To Committee on Suffrage Elections.

By Mr. Scheben:

H. B. 254. An Act to amend and re-enact Section 3235DD-49 of the 1933 Supplement to the 1930 Edition of Carroll's Kentucky Statutes, being Chapter 91, Section 34 of the Acts of 1930, pertaining to the abolition of the City Manager Form of Government in Cities of the Second Class, the return to Councilmanic Form of Government or the Commission Form, and providing for the manner in which same may be done.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3235DD-49 of the 1933 Supplement to the 1930 Edition of Carroll's Kentucky Statutes be amended and re-enacted so that when so amended and re-enacted the same shall read as follows:

Whenever the citizens of any city which shall have been

organized and governed under the provisions of this Act for a period of not less than four years, shall desire that the organization and government of such under the provisions of this Act shall terminate and cease, and shall desire that said city be organized and governed either under the "Councilmanic Form of Government", under the provisions of an Act entitled: "An Act for the Government of Cities of the Second Class in the Commonwealth of Kentucky," approved March 19, 1894 as amended, or shall desire that said city shall be organized and governed under the provisions of an Act entitled "Commission Form of Government", being the Act of March 21, 1910, and its amendments, known as The Commission Form of Government Act and published as Sections 3235C-1 and 3235D-1, et seq., of the Kentucky Statutes, and said citizens shall file with the County Judge of the County in which is located said city, written petitions signed by a number of the legal voters of said city equal to twenty-five per centum (25%) of the votes cast in the said city at the last preceding general election, it shall be the duty of the County Judge of the said county to receive said petitions and at the next regular term thereafter to make an order on his order books, directing an election to be held in said city at the next regular election and not earlier than sixty (60) days after said application is lodged with said judge, which order shall direct the sheriff or other officer of said county who may be appointed to hold said election, to open the polls at each and all the voting places in said city for the purpose of taking the sense of the qualified voters of said city upon the question as to whether or not the citizens of said city are in favor of the abandonment of the organization and government of said city under the provisions of this Act and the adoption of either the Councilmanic Form of Government or of the Commission Form of Government as provided for in the respective Acts hereinabove referred to and the amendments thereto. The question to be submitted to the voters shall be: Shall the City of (naming said city) abandon

its organization and government under the city manager form of government as provided for in an Act entitled (naming this Act and giving the year or date of passage or approval, or both), and be organized or governed under the Councilmanic Form of Government as provided for in an Act entitled: "An Act for the Government of Cities of the Second Class in the Commonwealth of Kentucky," approved March 19, 1894, and the amendments thereto, or in the event it is proposed to abandon the said City Manager Form of Government and return to the above stated Commission Form of Government, then the question to be submitted to the voters shall be: Shall the City of (naming said city) abandon its organization and government under the City Manager Form of Government as provided for in an Act entitled (naming this Act, and giving the year or date of passage or approval, or both), and be organized and governed under the Commission form of Government under the provisions of an Act entitled "Commission Form of Government, the same being Act of March 31, 1910, and its amendments known as the Commission Form of Government Act and published as Sections 3235C-1, et seq., and 3235D-1, et seq., with the amendments thereto of the Kentucky Statutes. Provided, however, that said written petitions, hereinabove referred to, shall specify the form of Government to which said legal voters desire to return, and that the said question shall be put to the said voters must specify but one form of government, and that form to be identical with that mentioned in the said written petitions hereinabove referred to. It shall be the duty of the County Clerk to give to the sheriff of the County or to such other officer as may be appointed to hold said election, a certified copy of the order of the County Court as it appears on the order book, within five days after such order is made and it shall be the duty of the said sheriff or other officer, to have such order published in some weekly or daily newspaper, published or circulated in said county for at least two weeks before the election and also to advertise the

same by printed or written handbills posted in conspicuous places in said city, for the same length of time. If there is no weekly or daily newspaper published in said city, or the proprietor of such paper refuses to publish such notice, the printed or written handbills provided for shall be sufficient notice. The sheriff or other such officers shall have the advertisements and notices herein provided for, posted as herein required, within seven days after he receives the orders of the County Court. It shall be the duty of canvassing board to certify the result of said election to the County Court, which certificate shall be delivered to the Clerk of the City and at the next regular term of said court the County Judge shall cause the same to be spread upon the order book of said court and the entry of said certificate on the order book or copy thereof shall be prima facie evidence of the facts therein contained. When a majority of the votes cast shall be in favor of said proposition to be submitted, and said fact shall be certified to as hereinbefore provided, by the said canvassing board to the County Clerk and a copy of which shall be certified to the city clerk and said copy of said certificate shall be spread upon the records of said county, as herein provided, and upon the records of said city at the next regular meeting of the board of commissioners thereupon said city shall cease to be governed by the provisions of this Act, but thereafter shall be governed either by the Councilmanic Form of Municipal Government as provided for in an Act entitled "An Act for the government of cities of the second class in the Commonwealth of Kentucky", and the Amendments thereto, which said Act was approved March 19, 1894, or under the Commission Form of Government as provided for in an Act entitled "Commission Form of Government", and amendment thereto, which said Act was approved March 21, 1910, and published as Sections 3235C-1, et seq., and 3235D-1, et seq., of the Kentucky Statutes, independent of the provisions of this Act. The said form of government to be according to that specified in the said question submitted to the legal voters

of the said city as hereinabove provided for. Provided that the commissioners theretofore elected shall continue in office and administer the government of such city until the expiration of the terms for which they were elected, and, provided further that elections under this section shall not be held at the same time commissioners are elected.

To Committee on Cities Second Class.

By Mr. Howard:

H. B. 255. An Act establishing as a part of the primary system of roads and highways of the Commonwealth of Kentucky a road beginning at a point in the Dixie highway near Elizabethtown in Hardin County and leading to a point in the Cecilia-Garfield highway at or near Custer in Breckinridge County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established and created as a part of the primary system of roads and highways of the Commonwealth of Kentucky a road beginning in the Dixie highway at a point near Elizabethtown in Hardin County and extending over and near the old Elizabethtown and Hardinsburg road by way of St. John, Bethlehem Academy and Grand View church to a point in the Cecilia and Garfield highway at or near Custer in Breckinridge County, to be known as Project No.

To Committee on Roads and Highways No. 2.

By Mr. Conway:

H. B. 256. An Act enabling cities of the second, third, fourth, fifth and sixth classes to acquire, construct, operate

and maintain natural or artificial gas plants and to issue revenue bonds of such cities to pay the cost thereof, payable solely from the revenues of such works without the incurrence of indebtedness of said cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That cities of the second, third, fourth, fifth and sixth classes, whether organized under the general law or special charter law, and including such cities where the Commission or City Manager forms of government have been adopted, are hereby authorized and empowered to purchase establish, erect, maintain and operate natural or artificial gas plants, together with extensions and necessary appurtenances thereto, within or without the corporate limits, under the provisions of this Act for the purpose of supplying such city and the inhabitants thereof with gas light, heat and power.

§ 2. For the purpose of defraying the cost of acquiring any such natural or artificial gas plant, either by purchase, or construction and appurtenances or extensions thereto, any such city may borrow money and issue negotiable bonds, provided no such bonds shall be issued unless and until authorized by an ordinance specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest such bonds are to bear, which shall not be more than six (6) per cent per annum. Such ordinance shall further provide that the proposed natural or artificial gas plant and appurtenances which is to be acquired or constructed or the proposed extensions thereto are to be made pursuant to the provisions of this Act.

§ 3. One or more natural or artificial gas plants owned by one or more persons or corporations, may be acquired hereunder as a single enterprise, and the common council or board of commissioners of such city shall have authority to agree with the owner or owners as to the value thereof and

to purchase the same at such value and the Common Council or Board of Commissioners of such city shall have the authority to purchase the same at such value after publishing said agreement of purchase setting out the price, interest rate, condition of plant, possible depreciation and repairs in all the newspapers of general circulation of such city or in such county in which such city is located. In case no such newspaper is published in such city or county, then by posting large posters in ten (10) or more prominent places in such city, setting out the above details, for a period of forty-five days. If within such time a petition signed by a number of voters equal to at least thirty per centum (30%) of the total number of votes cast for all candidates for city offices at the last preceding regular election for city officers calling for an election to take the sense of the voters on the question, and if the regular November election day in such year occurs more than forty-five (45) days after the time of filing such petition, said election shall be held on said regular election day in such year, or if next November election occurs less than forty-five (45) days after filing of such petition, it shall go over until the next November election occurring more than forty-five (45) days thereafter; and said petition shall be filed with the County Clerk of such county. Notice of such election in addition to any other publication or notice required herein, shall be given in the same manner as above required to give notice of such agreement of such City Council or Board of Commissioners, with such natural or artificial gas plants, which is as follows: By publishing the price, term of bonds, interest, general repairs and condition of plant and nature of such election in all the newspapers of general circulation, published in such city for a period of forty-five (45) days or if no newspaper of general circulation is published in such city, then in the newspapers of general circulation published in such county and if no such newspaper is published in such city or county then by posting large posters in ten (10) or more prominent places in such city. The election shall be held at the next November

election held more than forty-five (45) days after the time of such publication. Said purchase shall not be consummated unless such election is carried by a majority vote of all the qualified voters voting on such proposition. The question to be submitted to the voters on the ballot at such election shall be:

Are you in favor of the city of purchasing at the price of \$.....?

All blanks in such question shall be completed before submitting ballots to qualified voters.

§ 4. All bonds under the provisions of this Act may be issued bearing interest at the rate not exceeding six per cent per annum, payable semi-annually, and shall be executed in such manner and be payable at such times, not exceeding forty years from the date thereof, and at such place or places as such common council or board of commissioners shall determine.

§ 5. Any and all such bonds shall have and are hereby declared to have in the hands of bona fide holders all the qualities of negotiable instruments under the law merchant, and shall not be subject to taxation. In case any of the officers whose signatures or counter-signatures appearing on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures or counter-signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds shall be sold in such manner and upon such terms as the common council or board of commissioners shall deem for the best interests of such city, or any contract for the purchase of acquisition of any natural or artificial gas plant may provide that payment thereof shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than six per cent. Such bonds when issued shall be payable solely from the revenue funds derived from such natural or artificial gas plants as provided in Section 9 hereof, and shall not constitute an indebtedness of such city within the

meaning of the constitutional provisions or limitations. It shall be plainly stated on the face of each bond that same has been issued under the provisions of this Act and that it does not constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations.

§ 6. All moneys received from any bonds issued pursuant hereto shall be applied solely for the purchase, establishment, or erection of such natural or artificial gas plant and extensions thereto and necessary appurtenances, provided such moneys may be used also to advance the payment of the interest on bonds during the first three years following the date of such bonds. And there shall be there is hereby created a statutory mortgage lien upon the natural or artificial gas plant and appurtenances and extensions so acquired to and in favor of the holders of said bonds and each of them and to and in favor of the holders of the coupons of said bonds.

§ 7. The natural or artificial gas plant so purchased, acquired or constructed, together with the extensions and appurtenances, shall remain subject to such statutory liens until the payment in full of the principal and interest of the bonds. Any holder of said bonds or of any of the coupons may, either at law or in equity by suit, action, mandamus, or other proceedings, protect and enforce the statutory mortgage lien hereby conferred and may by suit, action, mandamus, or other proceedings, enforce and compel performance of all duties required by this Act, including the making and collecting of sufficient rates, the segregation of the income and revenue, and the application thereof.

§ 8. If there be any default in the payment of the principal or interest of any of said bonds, any court having jurisdiction of the action may appoint a receiver to administer said natural or artificial gas plant on behalf of the city, with power to charge and collect rates sufficient to provide for the payment of any bonds or obligations outstanding against said natural or artificial gas plant and for the payment of the op-

erating expenses and to apply the income and revenues in conformity with this, and the ordinance referred to in Section 9, hereof.

§ 9. At or before the issuance of such bonds the common council or board of commissioners of such city shall, by ordinance set aside and pledge the income and revenue of such natural or artificial gas plant into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. Said ordinance shall definitely fix and determine the amount of revenue which shall be necessary and be so set aside and applied to the payment of the principal and interest of the bonds, and the proportion of the balance of such income and revenues which is to be set aside as a proper and adequate depreciation account, and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance thereof. The rates to be charged for the service from such natural or artificial gas plant shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof as and when the same becomes due and to provide for the operation and maintenance thereof an adequate depreciation account. Such rates shall be fixed and revised from time to time so as to produce these amounts.

§ 10. If any surplus shall be accumulated in the operating and maintenance fund, which shall be equal to the cost of maintaining and operating such natural or artificial gas plant during the remainder of the calendar, operating or fiscal year as may be provided by the ordinance hereinbefore required and the cost of maintaining and operating such natural or artificial gas plant during the succeeding like calendar year, operating or fiscal year, any excess over such amount may be transferred at any time by the council or board of commissioners to the depreciation account to be used for any improvements, extensions or additions to such natural or artificial gas plant.

§ 11. The funds accumulating to the depreciation account shall be expended in balancing depreciation in such natural or artificial gas plant or in making new constructions, extensions or additions thereto. Any such accumulations may be invested as the council may designate and if invested, the income from such investments shall be carried into the depreciation account.

§ 12. The reasonable cost and value of any service rendered to such city by such natural or artificial gas plant may be charged against the city and shall be paid for monthly as the service accrues from the current fund or proceeds of taxes which such city is hereby authorized and required to levy in an amount sufficient for that purpose. Such funds so paid shall be accounted for in the same manner as other revenues of such natural or artificial gas plant.

§ 13. Such city may issue new bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the procedure described by this Act. Such new bonds shall be secured to the same extent and shall have the same source of payment as the bonds which have been thereby refunded.

§ 14. Should the common council or board of commissioners find that the bonds authorized will be insufficient to accomplish the purposes desired, additional bonds may be authorized and issued subject to the procedure as herein required.

§ 15. Any city acquiring any natural or artificial gas plant pursuant to the provisions of this Act, may, at the time of the issuing of the bonds for such acquisition provide for additional bonds for extensions and permanent improvements to be placed in escrow and to be negotiated from time to time as such proceeds for that purpose may be necessary. Such bonds when so negotiated shall have equal standing with the bonds of the same issue.

§ 16. In like manner, such city acquiring any natural or artificial gas plant under the provisions hereof, may provide

for the extension, addition or improvement of such public utility by an additional issue or issues of bonds in the manner herein provided.

§ 17. Such city in acquiring any natural or artificial gas plant under the provisions of this Act, may provide by ordinance any such provisions and stipulations for the administration of the income and revenues and for the security of the bondholders as the common council or board of commissioners of such city may be necessary.

§ 18. The ordinance required by Sections 2 and 9 hereof may also set apart bonds hereunder authorized, equal to the amount of any secured debt or charge, subject to which a natural or artificial gas plant may be purchased or acquired, and shall set aside for interest and sinking fund from the balance of the income and revenues of the natural or artificial gas plant remaining after setting aside the funds for the payment of principal and interest of bonds, a sum sufficient to comply with the requirements of the instrument creating the lien or securing the charge, or if such instrument does not make any provision therefor, said ordinance shall fix and determine the amount which shall set aside into a securing debt account for interest such secured debt or charge and a fixed amount to pay the principal thereof at maturity. Any surplus after satisfying the secured debt or charge may be transferred to the fund for the redemption of the principal and interest of the bonds issued thereunder. Bonds may be issued hereunder subject to the provisions hereof in exchange for or in satisfaction of such secured debt or charge, or may be sold in the manner herein provided and the proceeds applied in payment of the same at or before maturity.

§ 19. This Act shall be deemed to create an additional and alternate method for the acquisition of a natural or artificial gas plant by any city of the second, third, fourth, fifth and sixth class and shall not be deemed to include, amend, alter, or repeal any other statute. No proceedings shall be required for the acquisition of any natural or artificial gas

plant hereunder or the issuance of bonds hereunder except such as are prescribed by this Act, any provision in the general laws of the Commonwealth of Kentucky or the charter of any city to the contrary notwithstanding.

§ 20. Any city acquiring or constructing a natural or artificial gas plant within or without the city under the provisions of this Act, shall by ordinance appoint three commissioners to operate, manage and control said plant to be known as the City Utility Commission.

Said Utility Commission shall have absolute and exclusive control of said natural or artificial gas plant and its operation and fiscal management, regulation of rates and in every other respect provided that in fixing rates said Commission shall be governed by the provisions of Section 9, hereof, and of any ordinance enacted by the city council or board of commissioners as provided in Section 9, hereof.

Said Utility Commission shall provide rules, regulations and by-laws for the management of said plant and out of the revenue of the plant it shall pay operating expenses, repairs, and additions which may be necessary to be made thereto, and provide sufficient reserve fund to insure the said plant is kept in repair and in good working order and to provide against any emergency which may arise. Said Commission shall from time to time pay to the city the surplus revenue derived from the operation of the said plant as is provided in Sections 9 and 10, hereof.

In order that said Commission may be non-partisan and non-political, no person shall be appointed a member thereof who has, within the last two years before his appointment held any city, county, state or federal office, or who within said period has been a member of any committee, or any political party, or who is related within the third degree to the mayor or member of the board of commissioners or member of the board of council of such city. Said Utility Commission shall not appoint to any subordinate office which they may create any person who is related to any of the commissioners

or to the mayor of said city or to any member of the board of commissioners or to any member of the board or council of said city. No officer or employee of said city whether holding a paid or unpaid office shall be eligible to be appointed as a member of said Commission or to be employed by the Commission in any capacity. The members of such City Utility Commission shall be citizens, taxpayers, and legal voters of such city and shall not at the time of the appointment be indebted to the city either directly or indirectly or be surety on the official bonds of any officer of said city.

If at any time during the term of office any member of said Commission shall become a candidate for or be elected or be appointed to any public office he shall automatically vacate his membership from said Commission and another person shall be appointed in his place.

The city shall pay the cost of securing bonds for said Commissioners from a surety company, and said Commissioners shall each execute bond in the penal sum of \$10,000.00 conditioned upon the faithful performance of his official duties. Said bonds shall be approved by the board of Commissioners or by the Board of Council as the case may be.

An action may be maintained upon any commissioner's bond by any person injured by a violation of the covenants therein contained.

The Board of Commissioners or the Council of the city shall fix the salary to be paid to said members of said Utility Commission but not to exceed \$300.00 per annum for each Utility Commissioner.

The first Board of Utility Commissioners appointed under this Act shall be appointed for terms as follows: one for the term of one year; one for the term of two years; one for the term of three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years.

§ 21. This act being necessary for and to secure public health, safety, convenience and welfare of cities in the Com-

monwealth of Kentucky, shall be liberally construed to effectuate the purpose hereof.

§ 22. If any section or provision of this Act is for any reason illegal it is the intention that the remaining sections and parts thereof shall remain in full force and effect.

By Mr. Shehan:

H. B. 257. An Act relating to roads and highways and describing and fixing a project to be added to the State primary system of roads and highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as part of the primary system of roads and highways in this Commonwealth as defined in Chapter 17 of the Acts of the General Assembly of 1920 as amended by the Acts of 1924 and 1926 the following project, to wit:

From Twila, Kentucky on Wallins Creek, Harlan County by way of Trace Gap and head of Catrons Creek to the main Black Mountain, and down south side of Black Mountain, crossing Martin's Fork, to Macklin Gap on the Virginia line, to join a road to be built from Rose Hill, Virginia, to the Macklin Gap.

§ 2. The route as thus established shall be designated as Project No. and shall be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect with relation to the primary system of state highways.

To Committee on Roads and Highways No. 2.

Mr. Dickson of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a bill of the following title, viz.:

H. B. 8. An Act empowering and authorizing the Court of Appeals of the Commonwealth of Kentucky to render advisory opinion as to the constitutionality of any bill or measure pending in either the House or Senate during any regular or special session of the General Assembly of the Commonwealth of Kentucky, upon written request by the Governor.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the enrolling clerk deliver said bill to the Senate.

After a time the Enrolling Clerk of this House delivered the original and enrolled copies of said bill, duly signed by the President of the Senate, into the possession of the Chief Clerk of the House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Ward moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 22, 1936.

The House was opened with prayer by the Reverend Father O'Dwyer of the Roman Catholic Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

F. T. Allen	James Garnett, Jr.	W. E. Mull
Henry H. Allen	Ferd A. Gnau	Tyler Munford
C. W. Anderson, Jr.	Eugene Gough	Rodes K. Myers
H. T. Baker	Ben Grogan	J. C. Nickell
W. T. Baker	Jas. T. Hamilton	Russell O'Neill
G. M. Ballard	C. L. Hammons	Mel Petry
B. F. Bedford	W. L. Hampton, Jr.	A. W. Pfeiffer
Reuben J. Boling	Thomas W. Hines	J. C. Ramey
Douglas Bolling	Price Holbrook	Hobart Rayburn
Ollie J. Bowen	Clyde S. Howard	Harry C. Records
Wallace Brown	Ira W. Hulette	L. K. Rice
Dr. R. A. Byers	John M. Hunnicut	Wade H. Riley
Jas. C. Carter	Ben W. Johnson	Joe E. Robinson
V. O. Chandler	J. H. Jones	John C. Robinson
Floyd Clark	O. C. Jones	W. T. Rollo
Roscoe Claxon	R. T. Kirkman	A. W. Ross
George S. Clay	J. F. Ladd	Carl Scheben
J. A. Coleman	Leslie Larrimore	Carl Schneider
Roy Conway	Robert E. Lee	Ray O. Shehan
Herbert Cook	T. B. McConnell	Dr. B. F. Shields
Harry Davis	J. L. McDermott	P. L. Sidebottom
Stanley S. Dickson	Lloyd MacDonald	Chester D. Silvers
George W. Dunlap	W. F. McGary	H. C. Steely
Howard G. Early	Elmer McGlothen	Henry Stewart
Garland Embry	John Marshall	Dr. H. S. Swope
Walter R. Fannin	C. S. Matherly	W. R. Tapp
Chas. P. Farnsley	D. T. Matlack	J. J. Thomas
T. P. Fitzpatrick	Duke Mayfield	R. Van Bever, Jr.
H. Myer Garner	W. H. Miller	S. J. Wagner
G. W. Garrett	John B. Mollett	Joseph L. Wall

Henry Ward
L. R. Wells

W. G. Williams

Charles Wylie

Mr. Davis moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Matherly moved that the privilege of the floor be extended to Messrs. Ban Pollard and H. L. Mosely.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, ordered printed and referred as follows, viz.:

By Mr. Baker:

H. B. 258. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning one-fourth mile East of the city limits of Campbellsville in Taylor County on Highway No. 70, and continuing out what was known as the old Robinson Creek turnpike by way of the farms of Vester Rucker, Wood Cave, Wade Johns and Bud Johns, in a southernly direction to its end, then continuing South on what was called the old Green River Turnpike, by way of the Redman farm to the Adair County line, a distance of about seven miles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning one-fourth mile East of the city

limits of Campbellsville in Taylor County on Highway No. 70, and continuing out what was known as the old Robinson Creek Turnpike by way of the farms of Vester Rucker, Wood Cave, Wade Johns and Bud Johns, in a Southernly direction to its end, then continuing South on what was called the old Green River Turnpike, by way of the Redman farm to the Adair County line, a distance of about seven miles.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

To Committee on Roads and Highways No. 2.

By Mr. Rice:

H. B. 259. An Act establishing as part of the primary system of State highways a road beginning at the mouth of Caney on Quicksand in Breathitt County; thence up the main stream of Springs Fork and Haws Fork by Lambrick, and Betsman, thence connecting with Highway No. 40 about 12 miles south of Salyersville in Magoffin County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at the mouth of Caney on Quicksand in Breathitt County, thence up the main stream of Springs Fork and Haws Fork by Lambrick, and Betsman, thence connecting with Highway No. 40 about 12 miles south of Salyersville in Magoffin county.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled

by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

To Committee on Roads and Highways No. 2.

By Mr. Rice:

H. B. 260. An Act establishing as part of the primary system of State highways a road beginning at the river bridge at the mouth of Quicksand in Breathitt County on Highway No. 15, thence up South Fork via Portsmouth, Wilstacy, Press, Decoy, and up Laurel Fork, thence to Highway No. 80 near Hindman in Knott County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at the river bridge at the mouth of Quicksand in Breathitt County on Highway No. 15, thence up South Fork via Portsmouth, Wilstacy, Press, Decoy, and up Laurel Fork, thence to Highway No. 80 near Hindman in Knott County.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto, establishing and creating the primary system of State Highways, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

To Committee on Roads and Highways No. 2.

By Mr. Hines:

H. B. 261. An Act establishing as a part of the primary system of State highways a road leading from the Highway No. 71, at Barkley's Place via Sugar Grove and Sharer to Richlieu, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That a road leading from the Highway No. 71 at Barkley's Place via Sugar Grove and Sharer, to Richlieu, Kentucky, be and the same is hereby established and designated as a part of the primary system of State Highways of the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Bowen:

H. B. 262. An Act to amend and re-enact Section 1468 of Carroll's Kentucky Statutes, Baldwin's Edition, 1932 Supplement, relating to the specifications, custody, preparation and delivery of ballot boxes and providing compensation for County Clerks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1468 of Carroll's Kentucky Statutes, Baldwin's Edition, 1932 Supplement, be amended and re-enacted so that said section as amended and re-enacted shall read as follows:

It shall be the duty of the county clerk of each county

or the officer acting for him, when, for any cause, the clerk can not act, to provide for each precinct of such county, at the expense of the county, to be allowed by the fiscal court thereof, upon the order of the county court, a strong, durable, well constructed metal or steel ballot box sufficiently large to contain all the ballots to be voted at any precinct at any general or primary election.

Such ballot box to have a lid or appropriate opening, large enough to put in and take out, any necessary election material for the conduct of said election and said lid shall be securely fastened on said box by strong metal hinges. Said box and said lid shall be so constructed as to provide room for three strong Yale padlocks, to fasten and lock said lid, so that the keys of one lock will not unlock either of the other two. A vent or aperture, sufficient only for the insertion of a single ballot, shall be made in each box lid, and a small lid fastened to said box lid, so that a fourth lock can be put on the small lid to close the ballot vent or aperture in said box lid.

Such box shall, not less than one day before the day of each primary or general election, be delivered by the clerk or other person acting for him, to the clerk of each precinct election board, and shall take receipt therefor. The election officers of such precinct shall before permitting anyone to vote, carefully examine said ballot box, to ascertain whether it contains any papers, ballots or other things, and if anything is found in said box, the officers delivering said box back to the county clerk, as herein provided, shall report the same to said county clerk. The ballot box shall be, by the county clerk, provided with three different combination strong Yale padlocks, and each and all of said locks, shall by the county clerk be securely locked before the ballot box leaves the said clerk's office to be sent out to said voting precinct, and each key delivered, one to the sheriff of the county, and the other two to each of the county election commissioners representing the two dominant political parties.

Such ballot box shall not be unlocked or in any manner tampered with, by any person after the same is locked by the county clerk, until the meeting of the county election commissioners for the purpose of counting the ballots of all precincts in such county, and certifying the returns as herein provided.

The fiscal court of each county shall allow the county clerk a reasonable compensation for his services in preparing and delivering said ballot boxes, as herein provided.

To Committee on Suffrage and Elections.

By Mr. Gough:

H. B. 263. An Act to prohibit distribution, sale or exchange in Kentucky, of goods, wares, or merchandise, manufactured in whole or in part by convicts or prisoners, and providing penalties for violations thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the effective date of this Act, no goods, wares, or merchandise, manufactured or produced wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation) in the State of Kentucky, or in any State or district, of the United States, shall be sold or offered for sale in this State, by any person, firm, association or corporation, or by any Federal authority, state or political subdivision thereof, provided, however, that nothing in this Act shall be construed to forbid the sale, exchange, or distribution of such goods, to any institution supported wholly by funds derived from public taxation, and operated under the supervision of the United States of America, the State of Kentucky, or any other State of the Union, or any political subdivision thereof.

§ 2. Any person, firm or corporation violating the provisions of this Act, shall upon conviction thereof, be fined not exceeding \$1,000.00, for each separate offense, or by imprisonment for not more than six months, or both so fined and imprisoned in the discretion of the jury or court trying the case.

All laws in conflict herewith are hereby repealed and Sections 524, 525, and 526 of the 1930 Edition of Carroll's Kentucky Statutes are hereby expressly repealed.

To Committee on Charitable and Penal Institutions.

By Mr. Sloan:

H. B. 264. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky, a road beginning at Cartwright, Kentucky, to Marlow's Mill via Tom Woody's, in Clinton County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of state highways of the Commonwealth of Kentucky a road leading from Cartwright, Kentucky, to Marlow's Mill via Tom Woody's in Clinton county.

This road thus established to be entitled to receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Sloan:

H. B. 265. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky, a road from Shipley's Store to Highway No. 90,

near Noah Cro's farm via Bud Albeston's, S. P. Booker's, J. E. Picken's farm and Fine Springs School, in Clinton County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of state highways of the Commonwealth of Kentucky, a road from Shipley's Store to Highway No. 90, near Noah Cro's farm via Bud Albeston's, S. P. Booker's, J. E. Picken's farm and Fine Springs School, in Clinton County, Kentucky.

§ 2. This road thus established to be entitled to receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By same:

H. B. 266. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at Highway No. 35, at K. E. Hudleston's, to Seventy-Six Falls via Snow, Kentucky, in Clinton County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of state highways of the Commonwealth of Kentucky a road beginning at Highway No. 35, at K. E. Hudleston's, to Seventy-Six Falls via Snow, Kentucky, in Clinton, Kentucky.

§ 2. This road thus established to be entitled to receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By same:

H. B. 267. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky, a road beginning at Seventy-Six Falls to Highway No. 90, via Seventy-Six, Kentucky, and Ida, Kentucky, in Clinton County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of state highways of the Commonwealth of Kentucky a road beginning at Seventy-Six Falls to Highway No. 90 via Seventy-Six, Kentucky, and Ida, Kentucky, in Clinton County.

§ 2. This road thus established to be entitled to receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Sloan:

H. B. 268. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky, a road from Highway No. 35 at Maupin's Farm, to the Tennessee Line via Huntersville, Kentucky, in Clinton County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road from Highway No. 35 at Maupin's Farm to the Tennessee Line via Huntersville, Kentucky, in Clinton County, Kentucky.

§ 2. This road thus established to be entitled to receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Sloan:

H. B. 269. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky, a road from Shipley, Kentucky to Hobart, Kentucky in Clinton County to Siminary School via Chestnut Grove in Cumberland County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road from Shipley, Kentucky to Hobart, Kentucky in Clinton County to Siminary School via Chestnut Grove in Cumberland County, Kentucky.

§ 2. This road thus established to be entitled to receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Sloan:

H. B. 270. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at Cartwright, Kentucky, to Snow, Kentucky, via Upchurch, Kentucky, in Clinton County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of state highways of the Commonwealth of Kentucky a road leading from Cartwright, Ky., to Snow, Kentucky, via Upchurch, Kentucky, in Clinton County.

§ 2. This road thus established to be entitled to receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By same:

H. B. 271. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky, a road leading from Highway No. 90 at Jim Parigin's to Tennessee line near Chanute, Tenn., via Central Union School, Bertram Store and Beaty Settlement, in Clinton County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the

primary system of state highways of the Commonwealth of Kentucky a road leading from Highway No. 90 at Jim Parrigin's to Tennessee line near Chanute, Tenn., via Central Union School, Bertram Store and Beaty Settlement in Clinton County, Kentucky.

§ 2. This road thus established to be entitled to receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By same:

H. B. 272. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky, a road from Albany, Kentucky to Tennessee line, near Miller's Mill via Peolia's Meeting House, Drop, Kentucky and Speck School House in Clinton County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of state highways of the Commonwealth of Kentucky, a road from Albany, Kentucky to Tennessee line, near Miller's Mill via Peolia's Meeting House, Drop, Kentucky and Speck School House in Clinton County, Kentucky.

§ 2. This road thus established to be entitled to receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Garnett:

H. B. 273. An Act to repeal and re-enact Section 237, Kentucky Criminal Code, relating to separate trials of joint defendants.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 237 of Carroll's Kentucky Criminal Code, Edition of 1932, be and it is hereby repealed, and in lieu thereof the following is enacted:

Section 237. *Joint defendants, separation of trial.* When two or more defendants are jointly charged with any offense, whether felony or misdemeanor, they shall be tried jointly, unless the court in its discretion, on the motion of the prosecuting attorney or any defendant, orders separate trials. In ordering separate trials, the court may order that one or more defendants be each separately tried and the others jointly tried, or may order that several defendants be jointly tried in one trial and the others jointly tried in another trial or trials, or may order that each defendant be separately tried.

To Committee on Judicial Council.

By Mr. Schneider:

H. B. 274. An Act amending Section 2739g-2 (A), Carroll's Kentucky Statutes 1930 Edition, relating to the registration of automobiles and trucks and providing for the change of the registration day from the first day of January of each year to the first day of March each year.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2739g-2 (A) be amended by striking therefrom the words "thereafter he shall register his automobile

on or before the first day of January of each and every year” and adding in lieu thereof, “thereafter he shall register his automobile on or before the first day of March of each and every year”, so that when said Section is amended it shall read as follows:

“Before the owner or operator of an automobile shall operate or be permitted to operate same, or shall permit the operation of same upon any public highway, such owner shall register with the commission through the clerk in the county in which he resides or in the county in which the automobile is to be operated, making application for such registration to the clerk of such county on a blank to be furnished by the commission through the clerk, which application shall be accompanied by a bill of sale if the application be for registration of a new car, or by exhibiting the owner’s registration receipt if such automobile has theretofore been registered, and thereafter he shall register his automobile on or before the first day of March of each and every year. Provided, that insofar as the owner is concerned registration with the clerk as required by law shall be deemed to be a registration with the commission.”

To Committee on Kentucky Statutes No. 1.

By Mr. Clay:

H. B. 275. An Act amending Sections 1599b-1 and 1599b-2, Kentucky Statutes, Carroll’s 1930 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 1599b-1 and 1599b-2, Kentucky Statutes, Carroll’s 1930 Edition, be amended by repealing said sections in their entirety and re-enacting them so that as re-enacted they will read as follows, to wit:

Section 1599b-1. *Corporations that may improve navigation and sell water power and electricity may exercise power of eminent domain; bond; surveys and map of land and improvements.* That every corporation heretofore or hereafter organized under the laws of this or any other State for the purpose of constructing, or empowered to construct a dam or dams in any river or stream in this State for the purpose of improving navigation or developing, distributing and selling water power, electricity or electrical energy, and every corporation organized under the laws of this or any other State and heretofore or hereafter authorized or empowered under the laws of this State to conduct the business of producing and supplying electricity for purpose of light, heat or power, shall have power to cause examinations and surveys to be made for its proposed dam or dams, reservoirs, ponds, locks, bridges, power stations, roads, conduits, and transmission lines, as well as the land that may be overflowed by the erection of any dam or dams, or other structures, and for such purposes by its officers, agents or servants, to enter from time to time upon any lands or waters for the purpose of making such surveys or examinations, subject to liability for actual damage done, and the corporation shall, before entering upon any land for the above named purposes, deposit with the clerk of the county court of the county in which such property is located, a bond to the Commonwealth of Kentucky in the penal sum of an amount fixed by the county court, the same not to be in excess of double the last assessed valuation of such property to be so surveyed or examined, conditioned to indemnify all persons for actual damages sustained on account of making any examination or survey, and when the location of such dam or dams, reservoirs, or ponds, locks, bridges, or power stations, roads, conduits and transmission lines, including the placing and maintenance of poles, wires, cross-arms and all other equipment incident thereto, as well as the land that may be overflowed by the erection of such dam or dams, shall from time to time be determined, such

corporation shall cause a survey and map to be made of the land to be taken and entered upon, which map shall be signed by the president and secretary and filed in the office of the clerk of the county court of the county in which the lands shown on such maps are situated.

Section 1599b-2. *Manner in which right exercised.* When any such corporation heretofore or hereafter organized under the laws of this or any other State cannot acquire the real or personal property rights, privileges or easements needed for such dam or dams, reservoirs, locks, ponds, bridges, power stations, roads, conduits, transmission lines and flowage, by agreement with the owners thereof, whether by reason or disagreement as to price or the legal incapacity or absence of the owner or his inability to convey valid title, or by the owner or owners being unknown, or by reason of any other cause, it shall be lawful for such corporation to condemn and take such real estate or personal property, rights, privileges or easements necessary for such dam or dams, reservoirs or ponds, locks, bridges, power stations, roads, conduits, transmission lines and flowage in the same manner and the compensation to be paid therefor shall be ascertained and paid in the same manner as provided in Sections 835 to 840 inclusive, of the Kentucky Statutes for the condemnation of land by railroad companies. Any corporation constructing or maintaining such dam or dams shall be liable for any damages from overflowing any property, public or private.

To Committee on Public Utilities.

By Mr. Scheben:

H. B. 276. An Act to amend and re-enact Section 3868 of Carroll's Kentucky Statutes, Baldwin's Revision, 1930 Edition, same being Section 32, page 539, Chapter 156 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1893, relating to the settlement of decedent's

estates, and repealing all laws or parts of laws in conflict with this act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3868 of Carroll's Kentucky Statutes, Baldwin's Revision, 1930 Edition, same being Section 32, Page 539, Chapter 156 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1893, be and the same is hereby amended and re-enacted so that when same is so amended and re-enacted it shall read as follows:

"If the personal estate of a decedent be not sufficient to pay his liabilities, then the burial expenses of such decedent, the expenses of his last sickness and the cost and charges of the administration of his estate, and the amount of the estate of a dead person, or of a ward, or of a person of unsound mind, committed by a court of record to, and remaining in the hands of, a decedent, shall be paid in full before any pro rata distribution shall be made; but this preference shall not extend to a demand foreign to this state. All other debts and liabilities shall be of equal dignity, and paid ratable in the administration of his estate, and should more than the ratable share of any debt be paid, his personal representative shall only receive credit for its proper proportion."

§ 2. All laws or parts of laws in conflict with this act are hereby repealed.

To Committee on Codes of Practice.

By Mr. Grogan:

H. B. 277. An Act to add to the primary system of public roads a road beginning at the southeast corner of the Murray State Teachers College property line where it intersects the Murray-Mayfield Road, extending north a distance of

about one mile to a road known as the Five Points Outland Brothers Factory Road which extends from Five Points to the State Highway at Outland Brothers Factory:

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State Highways a road beginning at the southeast corner of the Murray State Teachers College property line where it intersects the Murray-Mayfield Road, extending north a distance of about one mile to a road known as the Five Points Outland Brothers Factory Road which extends from Five Points to the State Highway at Outland Brothers Factory.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways, the same as though said road had been named in said original Act as one of the projects of said primary system of highways.

To Committee on Roads and Highways No. 2.

By Mr. MacDonald:

H. B. 278. An Act establishing as part of the primary system of state highways, a road commencing at the Flemingsburg-Mt. Carmel State Highway No., near Dalesburg, Fleming County, Kentucky, running thence in a north-westwardly direction to a point near the Turner school house where the Noisy Hill dirt road intersects it; thence in a north-eastwardly direction to Poplar Grove, Fleming County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be added and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky, a road commencing at the Flemingsburg-Mt. Carmel State Highway No., near Dalesburg, Fleming County, Kentucky, running thence in a northwestwardly direction to a point near the Turner school house where the Noisy Hill dirt road intersects it; thence in a northeastwardly direction to Poplar Grove, Fleming County, Kentucky. The distance is approximately four (4) miles, more or less.

That the construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto, establishing and creating the primary system of state highways, to the same effect as if said road had been named in the original act as one of the projects of the primary system of state highways as provided therein.

To Committee on Roads and Highways No. 2.

By Mr. Carter:

H. B. 279. An Act to amend and re-enact Section 20 of Article V of Chapter 65 of the 1934 Acts of the General Assembly of Kentucky, relating to elections for membership on Boards of Education, same being Section 4399-25 of the Kentucky Statutes as shown by Baldwin's 1934 Supplement to Carroll's Kentucky Statutes, 1930 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 20 of Article V of Chapter 65 of the 1934 Acts of the General Assembly of Kentucky, relating to elec-

tions for membership on boards of education, same being Section 4399-25 of the Kentucky Statutes as shown by Baldwin's 1934 Supplement to Carroll's Kentucky Statutes, 1930 Edition, be, and the same hereby is, amended and re-enacted so that the same when so amended and re-enacted shall read as follows:

All elections for members of boards of education shall be by secret ballot. Said ballot shall be on a separate sheet from all other ballots to be used in any election. It shall be the duty of the county clerk to cause to be printed on said ballot the names of all candidates for membership on a board of education, in whose behalf he may be petitioned so to do in writing, by not less than fifty legal voters of a school district; provided that in independent districts embracing cities of the first and second classes the number of such petitioners shall be not less than one hundred (100). The petitions must be filed in the office of the county clerk not more than sixty and not less than fifteen days before the day of election, and each petition must be signed by the requisite number of qualified persons and shall show the place of residence of each person signing it, and no person shall sign more petitions than the number of offices to be filled.

Said ballot shall be in the form prescribed for ballots by the general election law of the Commonwealth, except that no party emblems or other emblem or distinguishing mark shall be placed upon said ballot, save the words "School Ballot" at the head thereof; and that the names of all candidates for membership on the board of education shall be printed on the first fifty ballots in a single column in the order the petitions (petitioned) are filed. On each of the succeeding fifty ballots the names shall be printed in the same order, save that the last name on the preceding fifty ballots shall be shifted to the first place; and so thereafter throughout, a like change being made in the printed order of names for every fifty ballots; and such ballots shall be so bound that in the book of

ballots for each voting precinct each candidate's name will appear first on approximately the same number of ballots as that of every other candidate. As many additional lines shall be left blank as there are members to be elected.

The general election laws of the Commonwealth of Kentucky shall apply in all school elections as set out in this act; and provided that it shall be the duty of the sheriff of each county in which a school district is situated to provide for each precinct in such district a separate box for the reception of the ballots used in the election of members of the board of education; and provided further that it shall be the duty of the judge of election of the opposite political party to the clerk of election in each precinct to issue the school ballots in the same manner as other ballots are issued by the clerk of election, by writing the name and residence of the voter upon the primary stub and his registered number, in districts where registration is required by law, upon the secondary stub of the school ballot, and by observing, as to these ballots, such other regulations for the issue and deposit of ballots as may be prescribed for elections generally. It shall be unlawful for an election officer or other person within the election booth to tell or to indicate by word of mouth or otherwise to a voter what may be the political affiliation of any candidate, and a violation of this provision shall be a misdemeanor punishable by fine not exceeding two hundred dollars (\$200.00). The expense of said election in any school district shall be paid from the treasury of such school district.

To Committee on Education No. 1.

By Mr. Byers:

H. B. 280. An Act establishing as a part of the primary road system of the Commonwealth of Kentucky, a road in Ohio County, beginning at the residence of Scott Whitaker on Highway No. 71 about four (4) miles to where it inter-

sects with the Hartford and Livermore Road No. 66-B near the residence of Ira Ellis.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of highways in the Commonwealth of Kentucky, to wit:

Beginning near the residence of Scott Whitaker on State Highway No. 71 to intersect with the Hartford and Livermore road No. 66-B near the residence of Ira Ellis.

§ 2. The said project is hereby declared to be subject to all the terms and conditions of Chapter of the Acts of 1920 establishing and creating a primary system of State Highways, of which system said project shall be and become a part.

To Committee on Roads and Highways No. 2.

By Mr. Cook:

H. B. 281. An Act granting owners and operators of threshing machines a lien upon any grain or seed threshed or hulled by such machine and providing for the enforcing of such lien.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the owner or operator of any threshing machine used in threshing, shelling or hulling grain, corn, clover or other seed shall have and hold a lien upon such grain or seeds which he shall thresh, sell or hull with such machine to secure the payment to him by the owner of such grain or seed, of such charges as may be agreed upon, and if no charges are

agreed upon then for such charges as may be reasonable. Such owner or operator shall file in the office of the clerk of the county court of the county in which such threshing is done a notice of such lien, which notice shall designate the name of the person or persons for whom said threshing, shelling or hulling was done, the amount due for such services and the amount of grain or seed covered by this lien, which notice shall be filed within fifteen (15) days after said threshing, shelling or hulling.

In the event the party for whom said threshing, or hulling was done desires to sell or deliver the grain or seeds so threshed to a grain elevator, or to any other person or persons, such party shall notify such consignee or purchaser that said threshing, shelling or hulling bill has not been paid, and the lien given shall shift from the grain to the purchase price thereof in the hands of the purchaser or consignor and the notice recorded as above specified shall be sufficient notice to him.

DOES NOT ATTACH TO INNOCENT PURCHASER

§ 2. The lien herein provided for shall not attach to such grain or seed in the hands of an innocent purchaser or dealer in the usual course of trade unless all of the notices provided for in Section 1 of this Act shall have been given.

PENALTY FOR VIOLATION

§ 3. Any person for whom threshing or hulling has been done who shall have refused to pay for said service of threshing or hulling and shall sell, secrete or dispose of property covered by the lien or notice provided for by this Act without written consent of the lien holder shall be guilty of a misdemeanor and shall be fined in the sum not less than ten nor more than one hundred (\$100) dollars or imprisoned in the county jail not less than ten (10) nor more than ninety (90) days, or both.

To Committee on Agriculture No. 1.

By Mr. Cook:

H. B. 282. Bill amending subsection C of Kentucky Statutes No. 2739g-33, relating to the operation of tractors, traction engines, and hauling engines upon State maintained roads, that when amended will read as follows:

§ 2738g-33. Conditions under which vehicles shall not operate—(a) Chains, agricultural machinery.—In all cases where chains are used on rubber tired wheels, the cross chains shall not be more than three-fourths of an inch in thickness or diameter, and shall be spaced not more than ten inches apart, around the circumference of the tires. No person shall willfully operate any vehicle on any public highway in such manner as to do injury thereto. Any machinery, utensils or implements used solely for agricultural, farming or manufacturing purposes may be operated on the highways under present equipment except as otherwise provided in subsection C of this section.

(b) Width of tires. No person shall operate a vehicle on a public highway which has greater weight on any tire per inch of width of same which is in contact with the surface of the highway than: For iron or steel tires, 500 pounds; for solid rubber or compound tires, of more than 800 pounds.

(c) Tractors.—No tractor or traction engine, hauling engine or other similar power having any projection on the face of the tire or rim of the wheels in contact with the pavement shall be operated on any highway maintained by the State, the top surface of which is either composed of or treated with bituminous materials, except that the driving wheels may be fitted with flat lugs extending diagonally from each side of the tire or rim to the center of tire or rim, such lugs to be not less than three-fourths of one inch in width at bearing surface in contact with the pavement, provided that such lugs are spaced so that three or more lugs on each driving

wheel shall be in contact with the road surface at all times. The front or non-driving wheels may be fitted with flat steering rings provided that such rings are not less than one and one-fourth inches in width and not more than one and one-half inches high, but no bolt heads or rivet heads or any other projections beyond the face of the tire or rim will be permitted. The narrow angle-iron lugs used for plowing or on soft ground will not be permitted and no tractor or other vehicle of the caterpillar or track laying type having any such projections on the face of the shoe or tread of the track in contact with the roadway will be permitted unless fitted with flat lugs hereinbefore specified in a way that would prevent any injury to the highway by either the narrow angle lugs or the projection on any tractor or other vehicle hereinbefore named.

That all vehicles described in this section when traveling upon the type of roads described in this section keep one driving wheel or laying track upon the shoulder of said roads when shoulders are of sufficient width, except when passing other vehicles or crossing said roads or soft conditions of shoulders of said roads will not permit it.

To Committee on Roads and Highways No. 1.

By Mr. Myers:

H. B. 283. An Act fixing the license fees of operators of non-resident laundries doing business within the State of Kentucky and providing for the repeal of all laws inconsistent therewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all individuals, associations, partnerships, or corporations who engage in the business of soliciting laundry,

linen service, dry cleaning, or any business incident and necessary thereto, without maintaining within the Commonwealth of Kentucky an establishment wherein the washing and ironing and/or laundry of clothes, linen and other washable goods is conducted, shall pay an annual license fee to the Commonwealth of Kentucky for each county in which they do business or solicit laundry, or furnish linen supplies, of the sum of One Hundred (\$100.00) Dollars per county; and shall secure the license for each county from the County Court Clerk of such county; and the Auditor of Public Accounts shall prepare proper license certificates and receipts and furnish the county court clerk of the Commonwealth of Kentucky with such blanks in triplicate; one of which shall be delivered to the applicant for the license; one of which shall be retained by the county clerk as a record in said county; and a third to be forwarded to the State Tax Commission, together with the license fee therefor.

The County Court Clerk for his services in issuing said license shall be allowed the fee of One (\$1.00) Dollar.

All laws or parts of laws in conflict herewith are hereby repealed.

To Committee on Kentucky Statutes No. 1.

By Mr. Williams.

H. B. 284. An Act establishing as a part of the primary system of state highways, a road beginning at the intersection of the Woodburn and Massey's Mill road at Matlock via Jack Louis's farm to Robertson's ford on Drake Creek.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of

Kentucky, a road beginning at the intersection of the Woodburn and Massey's Mill road at Matlock via Jack Louis's farm to Robertson's ford on Drake Creek.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways, to the same effect as if said road had been named in the original Act of State highways as provided therein.

To Committee on Roads and Highways No. 2.

By same:

H. B. 285. An Act establishing as a part of the primary system of State highways, a road beginning at Woodburn, Warren County, running via Matlock to Massey's Mill Bridge.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky, a road beginning at Woodburn, Warren County, running via Matlock to Massey's Mill Bridge.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

To Committee on Roads and Highways No. 2.

By Mr. Davis:

H. B. 286. An Act providing that in the employment of common or unskilled labor wherein the salary is paid by and taxes collected in whole or in part from citizens of the State that such employees must be employed without regard to any political affiliations and prescribing penalty for such violations of this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person, persons, firms, corporations, associations, contractors, sub-contractors or other persons who employ labor wherein the salary paid such laborers is derived in whole or in part from any form of taxes paid by the citizens of this Commonwealth, it shall be unlawful in the employment of such common or unskilled labor to have on the pay rolls at any time in a calendar year more than sixty (60%) per cent of common or unskilled laborers that belong or affiliate to either of the dominant political parties of this Commonwealth.

The extent of this Act is to permit the employment of common or unskilled labor without regard to party affiliation wherein the wage of any employee is paid in whole or in part from any taxes paid by the citizens of the state.

§ 2. Violation of this Act shall be prosecuted in all courts of legal jurisdiction and offenders of this Act shall be fined in any sum not exceeding one thousand dollars.

To Committee on Kentucky Statutes No. 1.

By Mr. Dever:

H. B. 287. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at Lebanon in Marion County, and

running Northwest over the St. Rose Pike to the Washington County line.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at Lebanon in Marion County, and running Northwest over the St. Rose Pike to the Washington County line.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

To Committee on Roads and Highways No. 2.

By Mr. Dever:

H. B. 288. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at Chicago in Marion County, and running in a Southwest direction to the town of Raywick in Marion County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at Chicago in Marion County, and running in a Southwest direction to the Town of Raywick in Marion County.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

To Committee on Roads and Highways No. 2.

By Mr. Dever:

H. B. 289. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at Calvary in Marion County, and running in a Southwest direction over the Phillipsburg road to the Taylor County line.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at Calvary in Marion County, and running in a southwest direction over the Phillipsburg road to the Taylor County line.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

To Committee on Roads and Highways No. 2.

By Mr. Tapp:

H. B. 290. An Act to exempt from taxation shares of stock in banks and corporations owned or held by the United States and agencies thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All shares of stock in banks or corporations owned or held by the United States or any agency thereof are and shall be exempt from taxation by the Commonwealth of Kentucky or any county, municipality or taxing district.

To Committee on Kentucky Statutes No. 1.

By Mr. Tapp:

H. B. 291. An Act adding to the state primary system of highways a project connecting Federal Project No. 62 and State Project No. 50 at Earlington, Hopkins County, Kentucky, and connecting State Project No. 317-417, Madisonville-Princeton public road, near Richmond.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is now established as a part of the state primary system of highways of Kentucky, a road project beginning at the intersection of Federal Project No. 62 and State Project No. 50, at Earlington, Hopkins County, Kentucky, with Sebree street in Earlington, and running thence in a northerly direction via Loch Mary and Clarence Mitchell and Frank Sisk farms, and intersecting State Project No. 317-417 at or near Richland, Hopkins County, Kentucky, and running along the county road as near as practical a distance of about four (4) miles.

The road project established in this Act shall have all the rights and benefits of the road laws of this Commonwealth now in force or hereafter enacted.

To Committee on Roads and Highways No. 2.

By Mr. Tapp:

H. B. 292. An Act adding to the state primary system of highways a project connecting the Madisonville-Brazzel Bridge road and the Slaughters-Jewell City road, in Hopkins County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is now established as a part of the State primary system of highways of Kentucky, a road project beginning at the John Dame farm on the Madisonville-Brazzel Bridge road, and extending in a Northeasterly direction over and across the farm of Westerfield to the old Island Ford road, and following the old Island Ford road via Wheaton Ashby's farm, and intersecting the Hanson-Jewell City road near the John Brown farm; running thence with the Hanson-Jewell City road to Groupengeiser's store; running thence in a Northwesterly direction following the old road as near as practical via Old Salem, and intersecting the Slaughters-Jewell City road near the Bain King farm a distance of about five (5) miles.

The road project established in this act shall have all the rights and benefits of the road laws of this Commonwealth now in force or hereafter enacted.

To Committee on Roads and Highways No. 2.

By Mr. Tapp:

H. B. 293. An Act adding to the state primary system of highways a project connecting Mannington, Christian County, Kentucky, with U. S. No. 62, near St. Charles, Hopkins County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is now established as a part of the State primary system of highways of Kentucky, a road project beginning at a point on Highway No. 41 at Mannington, Christian County, near the Hopkins and Christian county line, extending north-westerly direction, passing through the Pea Ridge community, and intersecting Route No. 62 near St. Charles, a distance of about seven (7) miles.

The road project established in this act shall have all the rights and benefits of the road laws of this Commonwealth now in force or hereafter enacted.

To Committee on Roads and Highways No. 2.

By Mr. Ward:

H. B. 294. An Act to amend and re-enact Section 2117, Kentucky Statutes, providing equity jurisdiction and cause for divorce.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2117, Kentucky Statutes, providing equity jurisdiction and cause for divorce be amended and re-enacted so that said Act as amended and re-enacted shall be as follows, to wit:

“Section 2117. Equity Jurisdiction; Cause for Divorce. —A jury shall not be impaneled in any action for divorce, alimony or maintenance, but courts having general equity jurisdiction may grant a divorce for any of the following causes, to both husband and wife:

1. To both parties. Such impotency or malformation as prevents sexual intercourse.

2. To both parties. Living apart without any cohabitation for two consecutive years next before the application.

To party not in fault. Also to the party not in fault, for the following causes:

1. Abandonment by one party or the other for one year.

2. Living in adultery with another man or woman.

3. Condemnation for felony in or out of this state.

4. Concealment from the other party of any loathsome disease existing at the time of marriage, or contracting such afterward.

5. Force, duress or fraud in obtaining the marriage.

6. Uniting with any religious society whose creed and rules require a renunciation of the marriage covenant, or forbid husband and wife from cohabiting.

To the wife. Also to the wife, when not in like fault, for the following causes:

1. Confirmed habit of drunkenness on the part of the husband of not less than one year's duration, accompanied with a wasting of his estate and without any suitable provision for the maintenance of his wife or children.

2. Habitually behaving toward her by the husband, for not less than six months, in such cruel and inhuman manner as to indicate a settled aversion to her, or to destroy permanently her peace or happiness.

3. When not in like fault, injury, or attempt at injury, of the wife by the husband, as indicates an outrageous temper in him, or probable danger to her life, or great bodily injury from her remaining with him.

To the husband. Also to the husband for the following causes:

1. Where the wife is pregnant by another man without the husband's knowledge at the time of marriage.
2. When not in like fault, habitual drunkenness on the part of the wife of not less than one year's duration.
3. Adultery by the wife, or such lewd, lascivious behavior on her part as proves her to be unchaste, without actual proof of an act of adultery.

To Committee on Kentucky Statutes No. 1.

By Mr. Tapp:

H. B. 295. An Act adding to the state primary system of highways a project connecting U. S. No. 41E, just North of Madisonville, Hopkins County, Kentucky, beginning at the Laffoon underpass, with what is known as Catesville, Webster County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is now established as a part of the state primary system of highways of Kentucky, a road project beginning at a point North of Madisonville, Hopkins County, Kentucky, on U. S. Highway No. 41E, near the Laffoon Underpass, and running with the old Jackson road via D. B. Gooch farm, and following the said Jackson road as near as practical to a point on the Dixon-Slaughters road, known as Catesville, Webster County, Kentucky, a distance of about fifteen (15) miles.

The road project established in this act shall have all the rights and benefits of the road laws of this Commonwealth now in force or hereafter enacted.

To Committee on Roads and Highways No. 2.

By Mr. Lee:

H. B. 296. An Act establishing as a part of the primary road system a road extending from the intersection of same with the Parnell road at Alfred Abbott's shop, by way of Norman's Ferry road, Fall Creek road to Rankin Post Office, Oatts Botton road to Cumberland School House, and Robertsport road to the intersection of same with Highway No. 90 at Steubenville, in Wayne County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as a part of the primary road system a road in Wayne County, Kentucky, extending from the intersection of same with the Parnell road at Alfred Abbott's shop to the intersection of same with the Norman's Ferry road at the old W. R. Oatts residence; thence following the Norman's Ferry road to the intersection of same with the Fall Creek road; thence, following the Fall Creek road to the intersection of same with the Oatts Botton road at Rankin Post Office; thence, following the Oatts Bottom road by way of Cumberland School House to the intersection of same with the Robertsport road; thence, to the intersection of same with Highway No. 90 at Steubenville.

To Committee on Roads and Highways No. 2.

By Mr. Lee:

H. B. 297. An Act establishing as a part of the primary road system a road extending from the intersection of same with Highway No. 90 at Kelley's lane to the intersection of same with Sinking road near the residence of L. N. Morrow in Wayne County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as a part of the primary road system a road in Wayne County, Kentucky, extending from the intersection of same with Highway No. 90 at Kelley's Lane, three and one-half ($3\frac{1}{2}$) miles north of Monticello, following the general course of the present road crossing the ridge at Brammers Store and continuing to the intersection of same with the Sinking road at or near the residence of L. N. Morrow.

To Committee on Roads and Highways No. 2.

By Mr. Lee:

H. B. 298. An Act establishing as a part of the primary road system a road extending from the intersection of same with Parmleysville-Mount Pisgah road at the Mount Pisgah Schoolhouse by way of the Langham Schoolhouse to the Tennessee State line, in Wayne County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as a part of the primary road system a road in Wayne County, Kentucky, extending from the intersection of same with the Parmleysville-Mount Pisgah road at the Mount Pisgah Schoolhouse, following the Langham road by the Langham Schoolhouse to the Tennessee line.

To Committee on Roads and Highways No. 2.

By Mr. Ward:

H. B. 299. An Act to repeal and re-enact Section 3235dd-46 of the Kentucky Statutes as shown by Baldwin's

1933 Supplement to Carroll's Kentucky Statutes, 1930 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3235dd-46 of the Kentucky Statutes as shown by Baldwin's 1933 Supplement to Carroll's Kentucky Statutes, 1930 Edition, be, and the same hereby is, repealed and re-enacted so that the same when re-enacted shall read as follows:

If during the ten days next following the passage of any such ordinance as cannot within said ten days become effective, a petition signed by a number of voters equal to at least twenty-five per centum (25%) of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer and verified as to signatures and residences by the affidavits of some one or more persons, shall be presented to the board of commissioners, protesting against the passage of such ordinance, such ordinance shall be suspended from going into effect and shall be reconsidered by the board of commissioners. If such ordinance be not then repealed, the board shall submit to the voters of the whole city at either a special or regular election according to law, the following question: "Shall the ordinance (briefly describing it) go into effect?" and if a majority of the votes cast upon such question be in the negative, the ordinance shall not go into effect. But if a majority of the votes cast upon such question be in the affirmative, the ordinance shall go into effect as soon as the result is officially ascertained and declared.

But none of the provisions of this section shall apply to ordinances relating to the establishment, erection, maintenance and operation of waterworks, sewerage systems, natural or artificial gas plants, or electric light, heat and power plants, where the costs of acquiring any of said systems or

plants are defrayed by the issuance of bonds payable solely from the revenue funds derived from such systems or plants and which bonds do not constitute an indebtedness of the city within the meaning of the constitutional provisions or limitations.

To Committee on Cities Second Class.

By Mr. Ward:

H. B. 300. An Act to amend and re-enact section 23 of Chapter 92 of the 1914 Acts of the General Assembly of Kentucky, same being section 3480b-23 of Carroll's Kentucky Statutes, 1930 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 23 of Chapter 92 of the 1914 Acts of the General Assembly of Kentucky, same being Section 3480b-23 of Carroll's Kentucky Statutes, 1930 Edition, be, and the same hereby is, amended and re-enacted so that the same when amended and re-enacted shall read as follows:

If during the ten days next following the passage of any such ordinance as cannot within said days become effective, a petition signed by a number of voters equal to at least twenty-five per centum (25%) of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer and verified as to signatures and residences by the affidavits of some one or more persons, shall be presented to the board of commissioners, protesting against the passage of such ordinance, such ordinance shall be suspended from going into effect and shall be reconsidered by the board of commissioners. If such ordinance be not then repealed the board shall submit to the voters of the whole city, at either a special or

regular election according to law, the following question: "Shall the ordinance (briefly describing it) go into effect?" and if a majority of the votes cast upon such question be in the negative, the ordinance shall not go into effect. But if a majority of the votes cast upon such question be in the affirmative, the ordinance shall go into effect as soon as the result is officially ascertained and declared.

But none of the provisions of this section shall apply to ordinances relating to the establishment, erection, maintenance and operation of waterworks, sewerage systems, natural or artificial gas plants, or electric light, heat and power plants, where the costs of acquiring any of said systems or plants are defrayed by the issuance of bonds payable solely from the revenue funds derived from such systems or plants and which bonds do not constitute an indebtedness of the city within the meaning of the constitutional provisions or limitations.

To Committee on Cities Second Class.

By Mr. Milam:

H. Res. 30. Joint resolution authorizing and directing payment of the sum of \$463.97 to Brown-Richardson & Co., representing the balance due for material furnished for the construction of an armory at Russellville, Ky.

Said Resolution is as follows, viz.:

Whereas, Brown-Richardson & Company of Russellville was awarded contract for furnishing certain material for the construction of an armory in the city of Russellville, by certain state agencies and state departments; and,

Whereas, said material was furnished and the agreed contract price of same amounted to \$2,361.03, and the balance due on same amounts to the sum of \$463.97; and,

Whereas, said sum is now due and unpaid, and said

building has been completed and is now in use: Now, Therefore,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the sum of \$463.97 be and the same is hereby appropriated out of the General Expenditure Fund to be paid to the said Brown-Richardson & Company, and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for the aforesaid sum and to deliver same to the said Brown-Richardson & Company, Russellville, Kentucky, for the purposes aforesaid.

To Committee on Appropriations No. 1.

By Mr. Byers:

H. Res. 31. Joint Resolution authorizing Archie C. Miller to sue the Commonwealth of Kentucky and the State Highway Commission.

Said resolution is as follows, viz.:

Whereas the State Highway Commission constructed that part of State Highway No. 71 within the corporate limits of the city of Beaver Dam in the year of 1934.

Whereas the said Highway Commission, its agents or employees, did raise the levee 18 inches above the old levee,

Whereas insufficient openings were made in the said levee to carry the water accumulating above the said levee, causing it to dam up.

Whereas this dammed up water accumulated on the grounds of the building of the said Archie C. Miller, thereby causing the said Archie C. Miller to suffer damage and inconvenience:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Archie C. Miller is hereby granted the privilege to sue the Commonwealth of Kentucky and the State Highway Commission for such damages as he may have sustained. This action may be taken in the Ohio Circuit Court, and in the case of any judgment is recovered by the said Archie C. Miller in the said suit, the same shall be paid by the Treasurer of the Commonwealth of Kentucky on a warrant from the Auditor.

Either party to said suit may appeal from any judgment rendered therein and the case may be settled and adjusted with the consent and approval of the Attorney General of the State of Kentucky in the same way as any other civil case.

To Committee on Claims.

By Mr. Davis:

H. Res. 32. Whereas, the Rose-Knuckles Act of the Special Session of 1934, same being Chapter 12 of the Kentucky Acts, Special Session 1934, has been declared invalid by the courts of this Commonwealth; and,

Whereas, a free grant of funds or a bonus is necessary to be made to meet this emergency: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby made by the General Assembly of the Commonwealth of Kentucky a free grant or bonus of any funds necessary in the Treasury of this Commonwealth to be paid teachers in counties and graded school districts as follows:

Anderson, \$3,708.89; Bell, \$26,217.27; Breathitt, \$29,978.81; Breckinridge, \$14,713.73; Butler, \$20,459.50; Caldwell, \$5,333.48; Calloway, \$22,293.16; Carter, \$16,270.43; Casey,

\$26,109.28; Clay, \$38,276.57; Clinton, \$15,177.59; Crittenden, \$9,936.04; Edmonson, \$12,660.02; Elliott, \$12,558.68; Graves, \$26,479.67; Greenup, \$15,470.07; Jackson, \$21,194.73; Knott, \$23,626.09; Knox, \$29,403.57; Laurel, \$22,625.34; Leslie, \$17,380.84; Letcher, \$23,998.23; Livingston, \$12,568.86; Magoffin, \$21,718.29; Marshall, \$13,192.77; Martin, \$7,777.75; McCreary, \$11,406.53; McLean, \$1,606.35; Meade, \$7,933.19; Metcalfe, \$15,584.14; Morgan, \$24,532.19; Muhlenberg, \$32,786.18; Owsley, \$14,700.42; Powell, \$7,815.15; Pulaski, \$40,512.93; Rockcastle, \$12,138.46; Rowan \$15,055.62; Russell, \$16,767.94; Trigg, \$18,082.59; Wayne, \$22,645.98; Webster, \$5,169.10; Whitley, \$24,352.49; Wolfe, \$14,357.28; Albany, \$1,547.50; Benton, \$1,831.85; Dunnville, \$287.94; Dycusburg, \$770.19; Edmonton, \$773.60; Fountain Run, \$554.61; Grays, \$103.68; Hardin, \$512.70; Jamestown, \$1,106.17; Williamsburg, \$931.21; Hickman (colored), \$810.44; Princeton (colored), \$893.45.

The Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer in favor of the Boards of Education of the various counties as herein set out for the said amount for the teachers of each county so listed.

The County Board of Education and the Boards of Education of Graded School Districts herein named, shall distribute to the various teachers, in said respective counties and graded school districts, wages and salaries for which there is made a free grant or bonus for valuable and meritorious services for the year of 1931-32. Fifty per cent of the aforesaid sums shall be paid during the fiscal year ending June 30, 1937, and fifty per cent during the fiscal year ending June 30, 1938.

To Committee on Appropriations No. 1.

The Speaker announced that he had referred bills heretofore introduced as follows:

H. B. 201. To Committee on Banks and Banking.

H. B. 202. To Committee on Banks and Banking.

H. B. 203. To Committee on Ky. Statutes No. 1.

H. B. 204. To Committee on Veterans Legislation.

H. B. 220. To Committee on Ky. Statutes No. 1.

The Committees to which the same had been previously referred, reported bills of the following titles, viz.:

By Mr. Gnau of the Committee on County and City Courts:

H. B. 146. An Act to amend and re-enact Subsections 5 and 9 of Sec. 1083-a of Carroll's Kentucky Statutes, relating to the administration of justice in courts of justice of the peace in counties having a population in excess of 250,000, etc.

Without an expression of opinion.

By Mr. Douglas Bolling of the Committee on Veterans Legislation:

H. B. 108. An Act to repeal and re-enact Sec. 2043-12, Supplement Carroll's Kentucky Statutes, 1930 Edition the same being Section 12 of Chapter 68 of the Acts of the General Assembly of 1930 entitled "An Act concerning the manner of commitment of incompetent veterans of the World War."

By Mr. Dunlap of the Committee on Kentucky Statutes No. 1:

S. B. 8. An Act amending so much of Sec. 965 Kentucky Statutes, Carroll's 1930 Edition, as relates to the 28th Judicial District, etc.

H. B. 58. An Act to amend and re-enact Sec. 3187 of Carroll's Kentucky Statutes, 1930 Edition, relating to the sale of real estate for taxes, for cities of the second class.

H. B. 185. An Act relating to the primary system of Roads and Highways.

H. B. 183. An Act providing that all State Building shall be let to the lowest and best bidder, after due advertisement for sealed bids, etc.

H. B. 174. An Act to provide for the certification of property assessment in annexed territory to the annexing authority; to provide for the equalization of such assessment and levy of tax thereon by the annexing authority.

H. B. 83. An Act pertaining to cities of the second class.

H. B. 84. An Act pertaining to cities of the second class.

H. B. 222. An Act relating to revenue and taxation and repealing Chapter 148 of the Acts of the General Assembly of 1934, etc.

By Mr. McGary of the Committee on Education No. 1:

H. B. 166. An Act making it unlawful for any person or persons to loaf or loiter in any church or school building or upon the grounds for any purpose other than those authorized by the governing body of said church or school, etc.

H. B. 148. An Act to provide state aid for education in certain courses of study of state students in schools outside of the state for whom no such courses are provided at educational institutions within the Commonwealth.

With a Committee Amendment thereto by way of Substitute therefor.

By Mr. Bedford of the Committee on Public Health
No. 1:

H. B. 118. An Act repealing and re-enacting Sections 528, 533, 535 of the Kentucky Statutes, Carroll's Edition of 1930 regulating and defining the duties of coroners, etc.

H. B. 41. An Act providing for the appointment of an Ohio river pollution commission and detailing its functions and appropriating funds for its purposes.

By Mr. Ward of the Committee on Cities of the Second Class:

H. B. 3. An Act to amend and re-enact the title and section 1 of an Act of the General Assembly which was adopted at its regular session in 1932, and entitled "An Act enabling cities of the third class to acquire, construct, operate and maintain electric light, heat and power plants, etc."

H. B. 4. An Act to amend and re-enact Section 1 of an Act providing for the renewal of franchises of public utilities in cities of the 2nd, 3rd, 4th, 5th and 6th classes.

H. B. 57. An Act relating to the embezzlement, conversion, misappropriation and/or misapplication of the sinking fund in cities of the second class in the Commonwealth of Kentucky.

H. B. 177. An Act to amend Section 1 of Chapter 87 of an Act entitled: "An Act to authorize the incorporation of Chambers of Commerce, etc.

By Mr. Williams of the Committee on Roads and Highways No. 2:

H. B. 25. An Act relating to the primary system of roads and highways.

H. B. 28. An Act relating to the primary system of roads and highways.

H. B. 29. An Act relating to the primary system of roads and highways.

H. B. 47. An Act relating to the primary system of roads and highways.

H. B. 53. An Act relating to the primary system of roads and highways.

H. B. 61. An Act relating to the primary system of roads and highways.

H. B. 63. An Act relating to the primary system of roads and highways.

H. B. 66. An Act relating to the primary system of roads and highways.

H. B. 67. An Act relating to the primary system of roads and highways.

H. B. 76. An Act relating to the primary system of roads and highways.

H. B. 80. An Act relating to the primary system of roads and highways.

H. B. 81. An Act relating to the primary system of roads and highways.

H. B. 82. An Act relating to the primary system of roads and highways.

H. B. 85. An Act relating to the primary system of roads and highways.

H. B. 86. An Act relating to the primary system of roads and highways.

H. B. 87. An Act relating to the primary system of roads and highways.

H. B. 88. An Act relating to the primary system of roads and highways.

H. B. 89. An Act relating to the primary system of roads and highways.

H. B. 92. An Act relating to the primary system of roads and highways.

H. B. 93. An Act relating to the primary system of roads and highways.

H. B. 94. An Act relating to the primary system of roads and highways.

H. B. 97. An Act relating to the primary system of roads and highways.

H. B. 98. An Act relating to the primary system of roads and highways.

H. B. 99. An Act relating to the primary system of roads and highways.

H. B. 100. An Act relating to the primary system of roads and highways.

H. B. 102. An Act relating to the primary system of roads and highways.

H. B. 103. An Act relating to the primary system of roads and highways.

H. B. 104. An Act relating to the primary system of roads and highways.

H. B. 112. An Act relating to the primary system of roads and highways.

H. B. 123. An Act relating to the primary system of roads and highways.

H. B. 125. An Act relating to the primary system of roads and highways.

H. B. 126. An Act relating to the primary system of roads and highways.

H. B. 127. An Act relating to the primary system of roads and highways.

H. B. 131. An Act relating to the primary system of roads and highways.

H. B. 132. An Act relating to the primary system of roads and highways.

H. B. 134. An Act relating to the primary system of roads and highways.

H. B. 133. An Act relating to the primary system of roads and highways.

H. B. 135. An Act relating to the primary system of roads and highways.

H. B. 136. An Act relating to the primary system of roads and highways.

H. B. 138. An Act relating to the primary system of roads and highways.

H. B. 139. An Act relating to the primary system of roads and highways.

H. B. 143. An Act relating to the primary system of roads and highways.

H. B. 145. An Act relating to the primary system of roads and highways.

H. B. 151. An Act relating to the primary system of roads and highways.

H. B. 154. An Act relating to the primary system of roads and highways.

H. B. 155. An Act relating to the primary system of roads and highways.

H. B. 157. An Act relating to the primary system of roads and highways.

H. B. 170. An Act relating to the primary system of roads and highways.

H. B. 178. An Act relating to the primary system of roads and highways.

H. B. 179. An Act relating to the primary system of roads and highways.

H. B. 180. An Act relating to the primary system of roads and highways.

H. B. 181. An Act relating to the primary system of roads and highways.

H. B. 182. An Act relating to the primary system of roads and highways.

H. B. 191. An Act relating to the primary system of roads and highways.

H. B. 192. An Act relating to the primary system of roads and highways.

H. B. 193. An Act relating to the primary system of roads and highways.

H. B. 194. An Act relating to the primary system of roads and highways.

With the expression of opinion that said bills ought to pass, with the exception of those specifically set out above.

Said bills were read at length the first time and ordered to be placed on the Calendar.

By Mr. Dunlap of the Committee on Kentucky Statutes No. 1:

H. B. 105. An Act to repeal Sec. 965-23 and Sec. 965-25, Carroll's Kentucky Statutes, 1930 Edition, and to establish two new Judicial Districts etc.

By Mr. John C. Robinson of the Committee on Agriculture No. 1:

H. B. 49. An Act amending Sec. 68b-1 to and including 68b-37, Kentucky Statutes, Carroll's 1930 Edition, and entitled: "An Act to promote and protect livestock industries in Kentucky."

With the expression of opinion that said bills ought not to pass.

No further action having been taken by the House and no motion having been made to advance said bills to a reading,

the report of the Committee to the contrary notwithstanding, it was ordered that said bills be not read the first time.

And so said bills were rejected.

Dr. Shields moved that the session of today be extended indefinitely.

Said motion was agreed to.

The Speaker announced that he had appointed Mr. J. J. Thomas as a member of the following standing committees of this House, viz.:

Court of Appeals
Classification of Cities and Towns
Education No. 2
Trade and Commerce
Suffrage and Elections
Roads and Highways No. 1

Dr. Shields moved that the House do now recess until one-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

AFTERNOON SESSION

The hour of one-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

The House took up for consideration from the Calendar, bills and resolutions entitled:

H. Res. 22. Resolution for the relief of R. G. Holbrook, Sheriff of Owen County, Kentucky for mileage and expenses incurred by him as agent for the Commonwealth.

S. B. 14. An Act authorizing, empowering and directing the Governor to cause to be made an audit, study and survey of Departments, Institutions, Boards, Commissions and Agencies of the Commonwealth:

S. Res. 13. Resolution providing for a contingent fund for the Clerk of the Senate and Clerk of the House.

S. B. 1. An Act to repeal, amend and re-enact subsection 2, Chapter 28, of the Acts of 1918, being section 2223b-2, Kentucky Statutes, Carroll's Edition 1930, relating to the organization of loan and investment companies in cities of the first and second class and extending the terms thereof to cities of the third class.

H. B. 156. An Act relating to the fiscal courts composed of county Judge and County Commissioners repealing and re-enacting section 1850, Kentucky Statutes, Carroll's 1930 Edition.

H. B. 175. An Act to repeal, amend and re-enact Section 1529 Carroll's Kentucky Statutes, 1930 Edition, relating to filling of vacancies in the office of County Judge and declaring an emergency.

H. B. 144. An Act to amend Sec. 2740 Kentucky Statutes, Carroll's Official 1934 Supplement to the Official 1930 Edition.

H. B. 60. An Act to repeal, amend and re-enact Sec 2087 of Carroll's Revised Statutes of Kentucky, 1930 Edition, relating to heirs and devisees.

H. B. 7. An Act for the purpose of facilitating the identification of persons suspected of or charged with the Commission of Crimes.

H. B. 119. An Act to prohibit any common carrier of messages from collecting service charges and providing penalty therefor.

H. B. 101. An Act amending and re-enacting Sec. 2132 Carroll's Kentucky Statutes 1930 Edition, pertaining to surviving husbands and wife's interest in real and personal property.

H. B. 109. An Act for the protection of fur-bearing animals, amending and re-enacting Chapter 56 of the Acts of the General Assembly of 1930.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 21. An Act to repeal and re-enact Kentucky Statutes, Section 1475, changing the ways and rights of blind voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Kentucky Statutes section 1475 be now and same is hereby repealed and re-enacted.

So that said Statute when repealed and re-enacted shall read as follows:

Par. 1. "Any elector who declares, on oath, that by

reason of inability to read the English language, he is unable to mark his ballot, may declare his choice of candidates or party ticket to the clerk, who, in the presence of the judges, sheriff and challengers and the elector, shall, with his pencil, mark a dot in the appropriate place for the cross, to indicate the choice of the elector. The clerk shall then fold and deliver the ballot by making a crossmark either in the squares showing dots or any other squares he may desire. In all other respects he shall vote as is required of other electors. In case any person applying to vote is blind, and shall so declare on oath, the clerk shall swear the person accompanying the said blind voter to mark his ballot for him in accordance with the directions of the blind voter, and then the blind voter and the person sworn shall enter the voting booth and the one so sworn shall mark the ballot for the blind voter as he is directed, the ballot shall then be folded by the person marking the same and placed in the ballot box; or, in case any person shall be so physically disabled as to be unable to mark his ballot, and shall so declare, on oath, the clerk shall have the right to mark his ballot. Any one making a false declaration under this provision of this section shall, upon conviction, be fined in any sum not exceeding fifty dollars, and be disfranchised for a period of two years; and any clerk who shall willfully deceive any elector in marking any ballot, or willfully mark the same in any other way than as requested by said elector, shall be guilty of felony, and upon conviction, shall be imprisoned in the penitentiary for not less than two nor more than five years.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Ben Grogan	Russell O'Neill
Henry H. Allen	Jas. T. Hamilton	Mel Petry
C. W. Anderson, Jr.	C. L. Hammons	A. W. Pfeiffer
H. T. Baker	W. L. Hampton, Jr.	J. C. Ramey
W. T. Baker	Thomas W. Hines	Hobart Rayburn
G. M. Ballard	Price Holbrook	Harry C. Records
B. F. Bedford	Clyde S. Howard	L. K. Rice
Reuben J. Boling	John M. Hunnicut	Wade H. Riley
Douglas Bolling	Ben W. Johnson	Joe E. Robinson
Ollie J. Bowen	J. H. Jones	John C. Robinson
Wallace Brown	O. C. Jones	W. T. Rollo
Dr. R. A. Byers	R. T. Kirkman	A. W. Ross
Jas. C. Carter	J. F. Ladd	Carl Scheben
V. O. Chandler	Leslie Larrimore	Carl Schneider
Floyd Clark	Robert E. Lee	Ray O. Shehan
Roscoe Claxon	M. T. McCarthy	Dr. B. F. Shields
George S. Clay	T. B. McConnell	P. L. Sidebottom
J. A. Coleman	J. L. McDermott	Chester D. Silvers
Roy Conway	Lloyd MacDonald	Bruce Sloan
Herbert Cook	W. F. McGary	H. C. Steely
Harry Davis	Elmer McGlothen	Henry Stewart
Sam Dever	John Marshall	Dr. H. S. Swope
Stanley S. Dickson	C. S. Matherly	W. R. Tapp
George W. Dunlap	D. T. Matlack	J. J. Thomas
Garland Embry	Duke Mayfield	R. Van Bever, Jr.
Walter R. Fannin	G. S. Milam	S. J. Wagner
Chas. P. Farnsley	W. H. Miller	Joseph L. Wall
T. P. Fitzpatrick	John B. Mollett	L. R. Wells
H. Myer Garner	W. E. Mull	W. G. Williams
Ferd A. Gnau	Tyler Munford	Charles Wylie
Eugene Gough	J. C. Nickell	

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Those who voted in the negative were—

Howard G. Early G. W. Garrett

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Resolved that the title thereof be as aforesaid.

Mr. Gnau moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 3. An Act relating to primary elections.

Dr. Shields moved that said bill be made a Special Order of the Day for Thursday at two o'clock P. M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 42. An Act authorizing and empowering the State Park Commission to acquire lands, equipment and facilities for park and recreational purposes; and to issue bonds for funds to acquire same; bonds to be payable from revenues; and to operate such parks and facilities; and prescribing rules; and to repeal all conflicting laws.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Park Commission is hereby authorized and empowered to acquire lands by purchase, lease, rentals or otherwise on which to locate and operate state parks and such facilities, equipment and devices as may be advantageous thereon; and to acquire by purchase, lease, rental and/or to build or otherwise place, create and procure equipment, facilities, devices and conveniences in state parks and

to operate same for the enjoyment, recreation, education and convenience of the general public and to levy and collect fees for the use of state parks, their facilities, equipment, devices and conveniences.

§ 2. To defray the costs of acquiring the land, facilities, devices, equipment and conveniences mentioned in section one (1) of this Act and to fix all such in condition for proper use the State Park Commission may issue or cause to be issued negotiable bonds, provided that such bonds, including interest and maturity payments, shall be payable from the revenues accruing from the operations of the parks, facilities, devices, equipment and conveniences, and such bonds shall not bear interest in excess of six per centum per annum and provided that each issue of such revenue bonds shall be designated for one individual park and the proceeds from each bond issue shall be expended only for and in the park designated and the revenues from each individual park for which bonds have been issued shall only be used for the costs of operations, maintenance and extensions within that park and the payment of interest and maturities of the bonds issued for that park.

§ 3. That the State Park Commission shall adopt rules and regulations as may be necessary and/or advantageous for the operation, maintenance and use of such state parks and such rules and regulations shall fix fees and charges for the use of the parks, facilities, devices, equipment and conveniences as will produce sufficient revenue annually to pay the interest accrued on bonds and in addition an annual proportionate sum which will equal the maturity payments on bonds when bonds mature and, such other costs or charges for operations, maintenance or other items as may be required and, such rules and regulations shall include the setting up of an accounting system to show the exact receipts and expenditures of each state park separately and each facility, device, equipment or convenience in each state park separately and, provide for setting aside and sacredly keeping a

sufficient portion of the revenues in each year to pay the accrued interest on bonds and an annually proportionate sum which will equal the maturity payments of bonds when due.

§ 4. The State Park Commission is hereby authorized to exercise the right of eminent domain in securing and acquiring lands upon which to establish state parks, and to prosecute condemnation proceedings in accordance with laws already established.

§ 5. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	George S. Clay	Eugene Gough
Henry H. Allen	J. A. Coleman	Ben Grogan
C. W. Anderson, Jr.	Roy Conway	Jas. T. Hamilton
H. T. Baker	Herbert Cook	C. L. Hammons
W. T. Baker	Harry Davis	W. L. Hampton, Jr.
G. M. Ballard	Sam Dever	Thomas W. Hines
B. F. Bedford	Stanley S. Dickson	Price Holbrook
Reuben J. Boling	George W. Dunlap	Clyde S. Howard
Douglas Bolling	Howard G. Early	John M. Hunnicut
Ollie J. Bowen	Garland Embry	Ben W. Johnson
Wallace Brown	Walter R. Fannin	J. H. Jones
Dr. R. A. Byers	T. P. Fitzpatrick	O. C. Jones
Jas. C. Carter	H. Myer Garner	R. T. Kirkman
V. O. Chandler	G. W. Garrett	J. F. Ladd
Floyd Clark	James Garnett, Jr.	Leslie Larrimore
Roscoe Claxon	Ferd A. Gnau	Robert E. Lee

M. T. McCarthy	J. C. Nickell	P. L. Sidebottom
T. B. McConnell	Russell O'Neill	Chester D. Silvers
J. L. McDermott	Mel Petry	Bruce Sloan
Lloyd MacDonald	A. W. Pfeiffer	H. C. Steely
W. F. McGary	J. C. Ramey	Henry Stewart
Elmer McGlothen	Hobart Rayburn	Dr. H. S. Swope
John Marshall	L. K. Rice	W. R. Tapp
C. S. Matherly	Wade H. Riley	J. J. Thomas
D. T. Matlack	Joe E. Robinson	R. Van Bever, Jr.
Duke Mayfield	John C. Robinson	S. J. Wagner
G. S. Milam	W. T. Rollo	Joseph L. Wall
W. H. Miller	Carl Scheben	Henry Ward
John B. Mollett	Carl Schneider	L. R. Wells
W. E. Mull	Ray O. Shehan	W. G. Williams
Rodes K. Myers	Dr. B. F. Shields	Charles Wylie

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Mr. McDermott offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 42 in the fourth line after the words "parks and facilities" so that the words "conferring powers of eminent domain" be inserted.

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. McDermott moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had refused to concur in amendments adopted by this House to a bill which originated in the Senate, entitled:

S. B. 9. An Act repealing Chapter 19 of the Acts of the Extraordinary Session of 1934 pertaining to passenger automobiles and providing for registration fees of such motor vehicles, etc.

(For amendments as adopted by the House, see House Journal of yesterday).

My Myers moved that the House do now recede from said amendments.

Said motion was agreed to.

Said amendments were then receded from.

The yeas and nays being required thereon by Messrs. McCarthy and Milam were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	G. W. Garrett	Elmer McGlothen
Henry H. Allen	James Garnett, Jr.	John Marshall
C. W. Anderson, Jr.	Ferd A. Gnau	C. S. Matherly
H. T. Baker	Eugene Gough	D. T. Matlack
W. T. Baker	Ben Grogan	Duke Mayfield
B. F. Bedford	W. L. Hampton, Jr.	W. E. Mull
Douglas Bolling	Thomas W. Hines	Rodes K. Myers
Wallace Brown	Price Holbrook	J. C. Nickell
Floyd Clark	Clyde S. Howard	Mel Petry
Roscoe Claxon	John M. Hunnicut	A. W. Pfeiffer
George S. Clay	Ben W. Johnson	J. C. Ramey
Roy Conway	J. H. Jones	Hobart Rayburn
Sam Dever	R. T. Kirkman	L. K. Rice
Stanley S. Dickson	J. F. Ladd	Wade H. Riley
George W. Dunlap	M. T. McCarthy	Joe E. Robinson
Howard G. Early	T. B. McConnell	John C. Robinson
Walter R. Fannin	J. L. McDermott	W. T. Rollo
Chas. P. Farnsley	W. F. McGary	A. W. Ross

Carl Scheben	H. C. Steely	Joseph L. Wall
Carl Schneider	Dr. H. S. Swope	Henry Ward
Dr. B. F. Shields	W. R. Tapp	L. R. Wells
P. L. Sidebottom	J. J. Thomas	Charles Wylie
Chester D. Silvers	S. J. Wagner	—68

Those who voted in the negative were—

G. M. Ballard	H. Myer Garner	Russell O'Neill
Reuben J. Boling	Jas. T. Hamilton	Ray O. Shehan
Dr. R. A. Byers	C. L. Hammons	Bruce Sloan
Jas. C. Carter	Robert E. Lee	Henry Stewart
V. O. Chandler	W. H. Miller	R. Van Bever, Jr.
J. A. Coleman	John B. Mollett	W. G. Williams
Garland Embry	Tyler Munford	—20

Said bill was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Roy Conway	C. L. Hammons
Henry H. Allen	Herbert Cook	W. L. Hampton, Jr.
C. W. Anderson, Jr.	Harry Davis	Thomas W. Hines
H. T. Baker	Sam Dever	Price Holbrook
W. T. Baker	Stanley S. Dickson	Clyde S. Howard
G. M. Ballard	George W. Dunlap	John M. Hunnicut
Reuben J. Boling	Howard G. Early	Ben W. Johnson
Douglas Bolling	Garland Embry	J. H. Jones
Ollie J. Bowen	Walter R. Fannin	O. C. Jones
Wallace Brown	Chas. P. Farnsley	R. T. Kirkman
Dr. R. A. Byers	T. P. Fitzpatrick	J. F. Ladd
Jas. C. Carter	H. Myer Garner	Leslie Larrimore
V. O. Chandler	G. W. Garrett	Robert E. Lee
Floyd Clark	James Garnett, Jr.	M. T. McCarthy
Roscoe Claxon	Ferd A. Gnau	T. B. McConnell
George S. Clay	Ben Grogan	J. L. McDermott
J. A. Coleman	Jas. T. Hamilton	Lloyd MacDonald

W. F. McGary	J. C. Ramey	Bruce Sloan
Elmer McGlothen	Hobart Rayburn	H. C. Steely
John Marshall	L. K. Rice	Henry Stewart
C. S. Matherly	Wade H. Riley	Dr. H. S. Swope
D. T. Matlack	Joe E. Robinson	W. R. Tapp
Duke Mayfield	John C. Robinson	J. J. Thomas
W. H. Miller	W. T. Rollo	R. Van Bever, Jr.
John B. Mollett	A. W. Ross	S. J. Wagner
W. E. Mull	Carl Scheben	Joseph L. Wall
Rodes K. Myers	Carl Schneider	Henry Ward
J. C. Nickell	Ray O. Shehan	L. R. Wells
Russell O'Neill	Dr. B. F. Shields	W. G. Williams
Mel Petry	P. L. Sidebottom	Charles Wylie
A. W. Pfeiffer	Chester D. Silvers	—92

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Dickson of the Committee on Enrollment, reported that they had examined and found to be correctly enrolled a bill which originated in the Senate, entitled:

S. B. 10. An Act repealing chapter 20 of the extraordinary session of 1934.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 40. An Act providing that Building Associations making loans with real estate mortgages as security shall have a Registered Architect as a member of the Board, etc.

Mr. Garnett moved that said bill be made a Special Order of the Day for Friday, January 24, at one-thirty o'clock P. M.

Said motion was agreed to.

Mr. Davis moved that the House do now take up for consideration from the Orders of the Day, a bill entitled:

H. B. 34. An Act to repeal, amend and re-enact Section 1938a-5 Carroll's Kentucky Statutes, pertaining to and fixing the time for hunting rabbits.

Said motion was agreed to.

Thereupon the House took up for immediate consideration said bill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1938a-5, Carroll's Kentucky Statutes, be repealed, amended and re-enacted so that when repealed, amended and re-enacted said section shall read as follows:

Rabbits. No person shall between 10th day of January and the 23rd day of November, both days inclusive, in any year, catch, kill, injure pursue with such intent, any rabbit; provided, however, anyone may catch rabbits with dogs or in traps, upon their own property for their own use, but said rabbits or parts thereof, cannot be bartered or traded, or offered or exposed for sale, barter or trade, between the dates above mentioned. Provided, however, that it shall be unlawful to catch or take by means of snares any rabbit at any time.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	G. W. Garrett	Tyler Munford
Henry H. Allen	James Garnett, Jr.	Rodes K. Myers
C. W. Anderson, Jr.	Ferd A. Gnau	J. C. Nickell
H. T. Baker	Ben Grogan	Russell O'Neill
W. T. Baker	Jas. T. Hamilton	Mel Petry
G. M. Ballard	C. L. Hammons	A. W. Pfeiffer
B. F. Bedford	W. L. Hampton, Jr.	Hobart Rayburn
Reuben J. Boling	Thomas W. Hines	Harry C. Records
Douglas Bolling	Price Holbrook	L. K. Rice
Ollie J. Bowen	Clyde S. Howard	Wade H. Riley
Wallace Brown	John M. Hunnicut	W. T. Rollo
Dr. R. A. Byers	Ben W. Johnson	A. W. Ross
Jas. C. Carter	J. H. Jones	Carl Scheben
V. O. Chandler	O. C. Jones	Carl Schneider
Floyd Clark	R. T. Kirkman	Ray O. Shehan
Roscoe Claxon	J. F. Ladd	Dr. B. F. Shields
George S. Clay	Leslie Larrimore	P. L. Sidebottom
J. A. Coleman	M. T. McCarthy	Chester D. Silvers
Roy Conway	T. B. McConnell	H. C. Steely
Herbert Cook	Lloyd MacDonald	Henry Stewart
Harry Davis	W. F. McGary	Dr. H. S. Swope
Sam Dever	Elmer McGlothen	R. Van Bever, Jr.
Stanley S. Dickson	John Marshall	S. J. Wagner
George W. Dunlap	C. S. Matherly	Joseph L. Wall
Howard G. Early	D. T. Matlack	Henry Ward
Garland Embry	Duke Mayfield	L. R. Wells
Walter R. Fannin	John B. Mollett	W. G. Williams
H. Myer Garner	W. E. Mull	Charles Wylie

Those who voted in the negative were—

J. C. Ramey Joe E. Robinson John C. Robinson
—3

Resolved that the title thereof be as aforesaid.

Mr. Davis moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

By unanimous consent, the following bills were introduced, ordered printed and referred as follows, viz.:

By W. T. Baker:

H. B. 301. An Act providing the means whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered or loaned therein; providing for committees of interested parties and their representation at the election; providing a means for contesting said election; defining spirituous, vinous or malt liquors and other terms; prohibiting the sale, barter, loan, procurement and giving of such liquors, and the possession and transportation thereof for said purposes, in territory voting therefor, excepting sacramental wine and certain other alcoholic liquors and uses, and sales by distillers and manufacturers; declaring certain acts and conditions as nuisances and providing for the abatement of same and forfeitures of property in certain instances; providing for searches and seizures; declaring the duties of courts and judges; conferring jurisdiction upon inferior courts concurrent with circuit courts; and providing for enforcement of the Act and penalties for its violation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

DIVISION I

§ 1. *Definitions.* As used in this act the following terms, unless the text otherwise indicates, shall have the following meanings respectively.

(a) "Local option territory" or "territory" means such county, city, town, district or precinct for which a petition shall be filed asking for an election to take the sense of the voters regarding the sale, barter and loan of intoxicating liquors as provided, and such governmental unit where a majority shall have voted in favor of prohibiting the sale, barter or loan of said liquors or the possession or transportation thereof.

(b) "Spirituuous, vinous or malt liquors" means, respectively, intoxicating liquor. "Intoxicating liquor" means alcoholic brandy, whiskey, rum, gin, beer, ale, porter and wine, and in addition thereto any spirituous, vinous, malt or fermented liquors, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called containing one-half of one per centum or more of alcohol by volume which are fit for use for beverage purposes.

(c) The word "person" includes the singular and plural number, and shall mean and include a natural person, association, co-partnership or corporation.

(d) "Election" means an election to be held for the purpose of taking the sense of the people as to the prohibition or permission of the sale, barter or loan of spirituous, vinous or malt liquors in any territory.

(e) "Prohibition" means that the sale, barter or loan of intoxicating liquors have been rendered unlawful under the terms of this act.

(f) "Local option law" refers to the provisions of this act.

DIVISION II

§ 2. *Petition for election.* Upon application by written petition filed with the clerk of the county court of any county signed by a number of legal voters in said county, or any city, town, district or precinct thereof to be affected, equal to twenty-five (25) per cent of the votes cast in said territory at the last preceding general election, it shall be the duty of the judge of the county court of such county at the current or the next regular term of said court thereafter to make an order on the order book of said court directing an election to be held in such county, city, town, district or precinct to be affected thereby, for the purpose of taking the sense of the legal voters of such county, city, town, district or precinct upon the proposition whether or not spirituous, vinous or malt liquors shall be sold, bartered or loaned therein.

§ 3. *Subscription to petition.* Said petition, in addition to the subscription of the name of the voter, shall state his post office address and the correct date upon which same was signed. No such subscriber shall be permitted to withdraw his name or have it taken from such petition after same shall have been filed as aforesaid. Provided, that if the name of any person shall have been subscribed to such petition without his authority, he may appear before the county judge before said election shall be ordered held and upon proof to that effect his name may be eliminated by an order of the court and when so eliminated, the same shall not be counted as a petitioner. Said petition may consist of one or more separate units.

§ 4. *Day of election.* The day upon which the election shall be held may be stated in the petition. If it is not so stated, it shall be designated by the county judge; provided

(a) The election shall not be earlier than sixty or later than ninety days after the date said application is lodged in the office of the clerk of the county court.

(b) The election shall not be held on the same day that

a primary or general election is held in the territory or any part thereof, nor within thirty days next preceding or following a regular political election.

(c) No election in any territory less than the county shall be held on the same day on which an election for the entire county is held.

(d) No election shall be held in the same territory oftener than once in every three years.

§ 5. *Notice of election.* Five days after said order of the county court calling an election is made, it shall be the duty of the county clerk to give to the sheriff of the county a certified copy of the same. It shall then be the duty of the said sheriff to have same published in some weekly or daily newspaper published in the county for at least two weeks before the election, and also to advertise same by written or printed handbills posted at not less than five conspicuous places in each precinct of the county for the same length of time when the election is held for the entire county; and when the election is ordered held in a city, town, district or precinct, then at five conspicuous places therein for the same length of time. In case there is no daily or weekly newspaper published in the county, or the proprietor of such newspaper refuses to publish said advertisement, the printed or written handbills posted as herein provided for shall be sufficient. It shall be the duty of the sheriff to report in writing to the county court that the notices have been duly published and posted.

§ 6. *Form of ballot.* The proposition to be voted upon shall be stated on the ballot without emblems and two spaces left upon the right side of same, one for votes favoring the proposition to be designated by the word "Yes." and one for votes opposing it to be designated by the word "No." The elector shall designate his vote by a cross mark, thus (X), placed opposite the word "Yes" or the word "No." Whenever at the time of the election intoxicating liquor is being

legally sold in the territory the form of the proposition may be thus stated:

Are you in favor of adopting the local option Yes ☐

law in (name of county, city, town, district or No ☐
precinct)

Whenever at the time of the election intoxicating liquor is not being legally sold in the territory the form of the proposition may be thus stated:

Are you in favor of continuing the local option Yes ☐

law in effect in (name of county, city, town, No ☐
district or precinct)

§ 7. *Elections according to general laws; duties of officers; cost.* The election, including the canvass and counting of the ballots, shall be held in accordance with the provisions of the general election laws of the State, and the duties of all officers pertaining thereto shall devolve upon and shall be performed by each of them in relation to said election the same as in general elections, except as same may be modified by or are inconsistent with the terms of this Act.

The cost of the election shall be borne by the county and allowed by the fiscal court and paid in the same manner as costs and expenses of general elections.

§ 8. *Election offenses.* Any act or deed denounced as an offense by the general laws of the State concerning elections shall also be an offense in elections held under the provisions of this Act, and shall be punished in the same form and manner as is provided for the punishment of similar offenses by the general laws.

§ 9. *Citizens' committees.* Not more than twenty days prior to an election any group of citizens or committee which in good faith advocates or opposes the proposition to be submitted may file with the chairman of the county election commission a petition asking that such petitioners be recognized as the committee entitled to nominate election officers

and challengers and witnesses to the count of the ballots and certification of the results, and to name guards to assist in guarding the ballot boxes during such period of time as said committee may desire. If more than one group claim the right to such recognition as representing the respective opponents by filing such petition, the county board of election commissioners shall promptly decide and publicly announce which committee is entitled to nominate such officers, challengers, witnesses and guards. Such decision, however, shall not be final, but any aggrieved party may institute proceedings in the county court, and upon hearing the county judge shall determine which of such committees shall be recognized.

§ 10. *Election officers, challengers and witnesses.* The respective committees advocating and opposing the proposition shall each file with the chairman of the election commission before the time designated for the selection of officers a list of not more than four persons possessing the qualifications of election officers for each voting precinct, and it shall be the duty of the election commission to appoint said officers from such lists, as provided in the next following section. Said committees may sign and issue certificates designating challengers at the respective polls and witnesses to the count of the ballot in the same manner as political committees under the provisions of the general election laws.

§ 11. *Appointing election officers, challengers, witnesses and guards.* The county election commissioners not more than fifteen and not less than ten days before the day appointed for the holding of the election shall appoint special officers to conduct the same in the manner provided by law, except they shall make equal division between those favoring and opposing the proposition instead of between opposing political parties. The same equal division of challengers at the polls, of witnesses at the count, and of guards to guard the boxes, shall be made.

§ 12. *Certification of result.* The result of said election shall be certified by the election commission and the certificate

shall be immediately lodged with the county court clerk and by him safely kept until the next regular term of the county court, at which time the judge of said court shall have same spread on the order book. The entry of said certificate, or an attested copy thereof, shall be *prima facie* evidence in proceedings under this Act.

§ 13. *Contests.* Any qualified elector may demand a recount of the ballots or contest the election in the same manner as is now provided by law for the recount of ballots or contest of general elections of county officers, being Section 1596a-12 of Baldwin's Supplement to Kentucky Statutes of 1933. The members of the county election commission shall be named as contestees and process shall be served upon them. But any qualified elector may intervene by filing a petition to be a party in the action, and he shall thereupon become a contestee.

§ 14. *Sale on election day prohibited.* Upon each day that an election is held under the provisions of this Act, all saloons and other places where intoxicating liquors are sold by authority of law in the county in which said territory affected is situated shall be closed and shall be kept closed during the whole of said day. It shall be unlawful during said day for any person in said county to sell, loan, furnish or give to any person any intoxicating liquor except in such cases as are excluded from the provisions of this Act. Any person found guilty under the provisions of this section shall be subject to the penalties prescribed in Section 28 of this Act.

§ 15. *Effective date of local option law; refund of portion of licenses paid.* Whenever a majority of the votes cast at an election shall be in favor of prohibiting the sale of intoxicating liquor in the territory in which the election shall have been held, the law prohibiting the same shall be in force and effect at the expiration of sixty days from the date of the entry of the certificate of the election commission in the order book of the county court. After the expiration of said period, no license theretofore issued in said territory under

the laws of this State shall be of any force or effect, but the owner of said license shall be entitled to recover from the county, city, town or district, to which the license money was paid, such proportional part thereof as the unexpired period of the license bears to the whole period covered thereby.

§ 16. *Rejection of local option law; effective date.* Whenever a majority of the votes cast at an election favor the discontinuance of the local option law in the territory in which the election shall have been held (the said law having been previously in effect in such territory) the same shall be in force and effect at the expiration of sixty days from the date of the entry of the certificate of the election commission in the order book of the county court.

§ 17. *Effect of county adopting.* When an election is held in an entire county and the majority of votes cast at said election are against the sale, barter or loan of intoxicating liquor, then the terms of Division III of this Act shall be applicable to every portion of said county. If at such election for the entire county the majority of votes cast are in favor of the sale, barter or loan of such liquors, said vote shall not operate to make the terms of Division III of this Act applicable in any territorial division of said county where the local option law has been previously adopted, but the statutes of such territorial division shall remain as if no such election had been held.

DIVISION III.

§ 18. *Prohibition in local option territory.* Whenever prohibition shall have become effective under the provisions of this Act through the adoption by a majority vote, it shall be unlawful for any person in such local option territory to sell, barter, loan, give, procure for or furnish another, or keep or transport for sale, barter or loan, directly or indirectly, any spirituous, vinous or malt liquors, or intoxicating liquor, as defined in Section 1 of this Act; subject, however, to the specific exceptions contained in this Act and not otherwise.

§ 19. *Soliciting or receiving orders, or advertising sales unlawful.* It shall be unlawful for any person, while representing either the buyer or seller, to distribute, solicit or receive contracts, proposals or orders for the purchase or sale of any intoxicating liquors, or to distribute any handbills or posters advertising the same in local option territory. Each act of distributing, soliciting, or receiving contracts, proposals or orders as denounced herein, and each day in which advertising matter is distributed, shall constitute a separate offense; provided that nothing herein shall be construed to prevent any distiller or manufacturer of intoxicating liquors, or any authorized agent of a distiller or manufacturer, from making contracts of barrel, case or package lots in any such territory where their distilleries or warehouses are located to be shipped into territory where the sale of such liquors may be lawful either in or out of the State.

§ 20. *Unlawful to transport intoxicating liquor into local option territory.* It shall be unlawful for any person, or public or private carrier, to bring into, transfer to another, deliver or distribute in any local option territory any intoxicating liquor regardless of the name by which it may be called. Each package of such liquor so brought, transferred or delivered in such territory shall constitute a separate offense.

§ 21. *Receiving or accepting liquor.* It shall be unlawful for any person in such territory to receive or accept any intoxicating liquor from a common carrier, or from any other person who has transported such liquor in or into such territory for compensation, hire or profit of any kind whatever, either directly or indirectly. Each and every package of said intoxicating liquor so received or accepted shall constitute a separate offense.

— § 22. *Shipments in transit not affected.* The provisions of the foregoing two sections shall not apply to the transportation of such liquor through local option territory to a point

or destination in some other State, or to a point in this State where intoxicating liquor may be lawfully sold; nor to the receipt or acceptance by a common carrier from a distiller or manufacturer for transportation to a point in another State or to a point in this State where the sale of intoxicating liquor is not prohibited by law; nor shall they apply to one taking wine into such territory and delivering the same to an officer of a church to be used for sacramental purposes.

§ 23. *Where Sale Takes Place in C. O. D. Shipments.* All shipments of intoxicating liquor to be paid for on delivery, commonly called C. O. D. shipments, into local option territory shall be unlawful and shall be deemed sales at the place where the money is paid or the goods delivered. The carrier and his agents selling or delivering such goods shall be jointly liable with the vender thereof.

§ 24. *Renting of property, or hiring vehicle for transportation; forfeiture; sale of property; prior liens; extent of forfeiture.* Any person knowingly or intentionally renting, hiring, letting, lending, leasing or permitting the use of, or using, any building, house, structure or premises, or part thereof, or any automobile or other vehicle or the animal used in hauling the same, for the purpose of unlawful selling or transporting or possessing intoxicating liquors, shall be considered guilty of a nuisance and of a violation of this Act. Any property so used shall become forfeited to the Commonwealth of Kentucky. Any Commonwealth's attorney, county attorney, mayor of a city or town, or any private citizen may maintain an action in equity in the name of the Commonwealth of Kentucky upon relation of said officers or citizens against the owner to forfeit such property. In such action evidence of the general reputation of the place of property and of the defendant shall be admissible. Upon a judgment of forfeiture, the court shall direct the sheriff to sell the property. Said sale shall be had in the same manner as sales under execution, and the same fees shall be allowed the officers conducting such sale. The sheriff shall pay first out

of the purchase money any valid bona fide recorded liens on the said property so sold. The court shall have power in its discretion to order a sale subject to said liens.

If the complaint herein is filed by a citizen, it shall not be dismissed except upon a sworn statement made by a complainant and his attorney, setting forth the reasons why same should be dismissed, and the dismissal approved in writing by the Commonwealth's attorney or the county attorney in open court. If the complaint be filed by a private citizen and a sale ordered, said citizen shall receive 10 per cent of the net proceeds of sale of any property under any judgment of forfeiture, to be ordered paid in the judgment of the court and the sheriff shall pay the same to said citizen out of the proceeds of sale after deducting costs and all valid liens.

No lien on any property so sold shall be paid unless same is recorded prior to the committing of said nuisance; unless the lienor can establish he had no knowledge of said nuisance. The burden shall be upon the lienor to establish same.

The sheriff, after payment of liens, costs and fees, shall pay the balance of the proceeds of sale to the trustee of the jury fund, who shall report same as in all other fines and forfeitures. The forfeiture herein provided for shall extend to the whole of the premises, building or structure owned by the defendant, or to his interest in said property, including all land and buildings in one boundary, and shall not be construed to mean a part thereof.

§ 25. *Abatement of nuisance.* An action to enjoin any nuisance defined in the next preceding section may be brought in the name of the Commonwealth by any Commonwealth's attorney, county attorney or any private citizen. Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases. If it is made to appear by affidavits or otherwise, to the satisfaction of the court, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or

permitting the continuance of such nuisance until the conclusion of the trial. If a temporary injunction is prayed for, the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or fixtures, or other things used in connection with the violation of this act constituting such nuisance. No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that no liquors shall be sold, bartered, or stored in such room, house, building, boat, vehicle, structure or place, or any part thereof. And upon judgment of the court ordering such nuisance to be abated, the court may order that the room, house, building, structure, boat, vehicle, or place shall not be occupied or used for six months thereafter; but the court may, in its discretion, permit it to be occupied or used if the owner, lessee, tenant, or occupant thereof shall give bond with sufficient surety, to be approved by the court making the order, in the penal and liquidated sum of not less than \$500 nor more than \$1,000, payable to the Commonwealth of Kentucky, and conditioned that intoxicating liquor will not thereafter be manufactured, sold, bartered, kept, or otherwise disposed of therein or thereon, and that he will pay all fines, costs, and damages that may be assessed for any violation of this title upon said property.

§ 26. *Transportation of liquor; seizure of property.* When any peace officer shall discover any person in the act of illegally possessing or transporting intoxicating liquors in any automobile, water or air craft, or other vehicle, it shall be his duty to seize at once any and all intoxicating liquors found therein; and to seize said automobile, craft or vehicle, and arrest any person or persons in charge thereof. Upon conviction of the person so arrested, the court shall order the liquor destroyed and shall order a sale by public auction

of the property seized. The expenses of keeping and selling the same, and of all valid recorded liens which are established by intervention at any hearing therefor as being bona fide shall be paid out of the proceeds of such sale. The burden of establishing that the property was being used without the knowledge, consent or approval of the owner or lienor of the property shall be upon such owner or lienor. After the satisfaction of such expenses and liens, the court shall direct that the balance of the proceeds be paid to the trustee of the jury fund, who shall transmit same as in all other fines and forfeitures. The court shall order all sales under this Act to be made by the sheriff who shall receive and be allowed the same fees as allowed for sales under execution.

§ 27. *No property rights.* No property rights shall exist in any intoxicating liquor unlawfully obtained, possessed, held or used in violation of this Act. The court, upon conviction of the person arrested, shall order the liquor destroyed. A failure upon the part of the person so ordered to destroy all of said liquor shall be deemed an offense and punished as a violation of this Act.

§ 28. *Penalties for violations.* On a first conviction for a violation of any provision of this Act, except for a violation of a provision for which a particular penalty is herein provided, the defendant shall be fined not less than Twenty Dollars (\$20) nor more than One Hundred Dollars (\$100) and, if a person, he shall in addition be imprisoned in the county jail for not less than thirty nor more than sixty days. Upon the second conviction for a violation of any provisions of this Act, except for a violation of a provision for which a particular penalty is herein provided, the defendant shall be fined not less than Forty Dollars (\$40) nor more than Two Hundred Dollars (\$200) and, if a person, he shall in addition be confined in the county jail for not less than sixty nor more than one hundred and twenty days. Upon a third or subsequent conviction for a violation of any provision of this Act, except for a violation of a provision for which a

particular penalty is herein provided, the defendant, if a person, shall be confined in the penitentiary for not less than one nor more than two years, and if a corporation, shall be fined not less than One Thousand Dollars (\$1,000) nor more than Two Thousand Dollars (\$2,000).

§ 29. *Bond for good behavior.* On a first or second conviction for violation of any of the provisions of this Act, the court shall require the defendant, in addition to the penalty inflicted as provided in Section 28 hereof, to execute bond in a sum of not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1,000), to be of good behavior for twelve months and not violate any of the local option laws of this State. If the bond be not executed, the defendant shall be committed to the county jail in default of such bond for a period of sixty days. The order of the trial court, requiring the execution of the peace bond herein provided for, shall not be considered a part of the punishment inflicted under this Act, but as a security against future violations of its provisions. Said order shall not be subject to appeal.

§ 30. *Evasion of law not allowed.* No trick, device, subterfuge, or pretense shall be allowed to evade the operation or defeat the purpose of this law.

§ 31. *Duty of courts, judges and officers to enforce law; penalty for failure to enforce.* It shall be the duty of the courts and judges of this Commonwealth and all officers and conservators of the peace to enforce the provisions of this Act. Any sheriff, deputy sheriff, policeman, or other peace officer of this Commonwealth, who shall fail to enforce any provision of this Act after receiving information of a violation thereof, or having knowledge of a violation thereof and failing to act thereon, shall be subject to indictment for nonfeasance or malfeasance in office, and upon conviction shall be fined not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200), and upon conviction the office held by such officer shall become vacant and the judgment of con-

viction shall so recite; but such officer shall have the right to appeal to the Court of Appeals.

§ 32. *Courts' concurrent jurisdiction.* Quarterly courts, and the judges thereof, justices of the peace and police courts, shall have concurrent jurisdiction with the circuit court in the trial of all offenses committed in their respective jurisdictions under the provisions of this Act, where the penalty which may be inflicted does not exceed a fine of One Hundred Dollars (\$100) and imprisonment in the county jail not exceeding sixty days, and said courts shall always be open for the trial of such offenses.

§ 33. *Charge to grand jury.* It shall be the duty of the judges of the circuit courts to charge the grand juries of the counties within their jurisdiction at each term of court especially concerning the provisions of this Act, and direct said jury to inquire particularly of all violation of its provisions.

§ 34. *Search and seizure; issuance; disposition of property seized.* Any circuit judge, county judge, police judge, or justice of the peace, when affidavit of officer, or any reputable citizen, is filed with him describing the house, building or premises, or vehicle, as nearly as may be where intoxicating liquors are sold or disposed of, or illegally possessed in violation of this Act, shall by his warrant cause any house or building or other place or premises or vehicle to be searched by night or day for the detection of any intoxicating liquors which are kept there for sale or other disposition in violation of this Act, or for intoxicating liquors illegally possessed in violation of this Act, and if admission be not given on demand made the officers enforcing said warrant shall force an entrance into such house, building or other place and seize any intoxicating liquors and arrest the keeper or person in charge of such house, building or other place, or intoxicating liquors, and carry such person before said judge issuing the warrant to be dealt with according to law.

The officer shall carry said intoxicating liquors before the judge issuing said warrant. Any officer receiving a war-

rant as herein set out shall immediately proceed to execute same on the day received and for a failure to do so shall be fined not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500).

No search warrant as herein provided for shall be quashed if said search warrant and affidavit on which it is based are sufficient on the face thereof. If the search warrant is quashed no property taken by virtue thereof shall be ordered returned or restored unless the person from whose possession same was taken both alleges and proves that he was in lawful possession of said property.

§ 35. *Indictment; allegations of.* It shall not be necessary to allege in any indictment charging the commission of an offense under this Act that a vote was taken or an election held, or any other step relative thereto, in the territory where said offense is charged to have been committed, but it may be simply stated that the act or acts charged were committed in local option territory. And in said indictment it shall be sufficient to designate said act as in violation of the local option law.

§ 36. *Witness may not refuse to answer.* No witness before a grand jury, court of inquiry or on a trial for any violation of this Act shall be permitted to refuse to answer any question because the answer will incriminate himself; but this evidence shall not be used against him in any subsequent proceedings, and such witness shall not be prosecuted for any offense disclosed in such testimony.

§ 37. *Burden of proof upon defendant.* No person shall possess, or have in possession, any intoxicating liquor unless same shall have been lawfully acquired and is intended to be used lawfully; and in any suit, prosecution, proceeding or action or motion, the burden of proving that same was lawfully acquired and is intended to be used lawfully shall be upon the defendant or defendants.

§ 38. *General reputation of defendant admissible in evi-*

dence. In any prosecution or proceeding for any violation of this Act, the general reputation of the defendant for bootlegging or being engaged in selling, or trading in, or keeping for sale, or transporting for sale, shall be admissible in evidence against said defendant or defendants.

§ 39. *United States tax; effect of possession.* The possession of a United States special tax stamp, commonly called a United States license, for carrying on the business of a retail dealer in spirituous, vinous or malt liquors, or having such tax stamp or license at the place of business in such territory, shall be *prima facie* evidence of guilt under this Act. An attested copy of the record of the office of the United States Collector of Internal Revenue or any other office issuing such license showing its issuance shall be admissible in evidence on any trial or proceeding under this Act.

§ 40. *Articles not subject to provisions of act; wine for sacramental purposes.* The articles enumerated in this section shall not be subject to the provisions of this Act if they correspond to the following descriptions and limitations, namely:

(a) Denatured alcohol or denatured rum produced and used as provided by laws and regulations nor or hereafter in force.

(b) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, national formulary or the American Institute of Homeopathy, that are unfit for use for beverage purposes.

(c) Patented, patent and proprietary medicines that are unfit for use for beverage purposes.

(d) Toilet, medicinal and antiseptic preparations and solutions that are unfit for use for beverage purposes.

(e) Flavoring extracts and syrups that are unfit for use as a beverage or for intoxicating beverage purposes.

(f) Vinegar and preserved sweet cider.

(g) Wine for sacramental purposes.

(h) Alcohol medicated according to such formulas as

will render it unfit for beverage purposes and which is to be sold for legitimate external use.

(i) Alcohol for mechanical and scientific purposes if unfit for a beverage.

(j) Any person who shall knowingly sell or give any of the articles mentioned herein for beverage purposes or any extract or syrup for intoxicating beverage purpose, or who shall sell any of the same under circumstances from which the seller might reasonably deduce the intention of the purchaser to use them for such purpose shall be subject to the penalties provided in this Act.

§ 41. *Distillers and manufacturers; when act not applicable.* The provisions of this Act shall not apply to any distiller or manufacturer who in good faith and in the usual course of trade sells intoxicating liquor of his own make, at his distillery or manufactory, in quantities of not less than three gallons delivered at one time for immediate transportation to a point or destination in some other State, or to a point in this State where intoxicating liquor may be lawfully sold.

§ 42. *Constitutionality.* If any section, paragraph, or part of this Act shall be held to be unconstitutional, the remainder of this Act shall continue effective and enforceable notwithstanding such decision.

To Committee on Alcoholic Liquor Control.

By Mr. Wall:

H. B. 302. An Act regulating raw fur dealers and providing license for same.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all dealers in raw furs shall be required to have a

license; that a resident wholesale fur dealer may secure license by making application to the County Court Clerk of the county of his residence or place of business, and paying the sum of fifteen dollars (\$15.00); that a resident retail fur dealer may secure license by making application to the County Court Clerk of the county of his residence and paying the sum of two dollars (\$2.00); that a non-resident fur dealer may secure license by making application to the County Court Clerk of any county and paying the sum of one hundred dollars (\$100.00).

Raw furs within the meaning of this act shall be construed as meaning, any pelts, of fur-bearing animals protected by law, which have not been tanned or put through any process of manufacture.

A retail dealer within the meaning of this act shall be construed as one who buys direct from the trapper or hunter, and a wholesale dealer within the meaning of this act shall be construed as a dealer who buys from the hunter or trapper and also from retail dealers.

A non-resident within the meaning of this act is, any person who has not been a bona fide resident of this State for one year.

Before issuing a fur dealer's license the clerk shall require the applicant to file an affidavit stating his or her age, height, weight, color of hair, color of eyes, nationality and place of residence.

The clerk shall retain of the money received for such license, the sum of fifty cents (50c), which covers the swearing of the applicant and all other services under this act, and shall pay the balance to the State Treasurer on the first of each month, which amount shall be converted into the Game and Fish Protection Fund.

Any person violating any provision of this act, shall upon conviction be guilty of a misdemeanor, and shall be punished by a fine of not less than fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00) for each offense, to

which may be added imprisonment in county jail not exceeding thirty days.

To Committee on Fish and Game.

By Mr. Clay:

H. B. 303. An Act to repeal and re-enact Section 1550-17 of Carroll's Kentucky Statutes, 1933 Supplement, being Chapter 85 of the Acts of the General Assembly of 1932 and relating to ballots in primary elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1550-17 of Carroll's Kentucky Statutes, 1933 Supplement, being Chapter 85 of the Acts of the General Assembly of 1932, be repealed and re-enacted so as to read as follows:

There shall be a separate ballot for each political party subject to this act, at the primary election provided for herein. Such ballots shall be printed in substantially the same manner as now provided by law in case of regular elections, except that on the back thereof shall be printed the words, "Official Primary Ballot," and at the head thereof shall be printed the words "Official Primary Ballot," together with proper party name and the party emblem. The party emblem in each case shall be the same as that used at the last preceding regular election, unless sixty days before the primary election the proper party authority certify a different emblem to the Secretary of State, in which event he shall certify the new emblem to the county clerks as herein provided.

All the official ballots designed to be voted in the primary nominating elections shall be printed in black ink upon a good quality of white ballot paper. The arrangement of each ballot shall be exactly the same for each political party, and the

size and the printing shall be the same for each political party. Duplicate impressions of the ballots for each political party voted for at every primary election shall be printed upon cheaper colored paper. These colored ballots shall be used solely as sample ballots for the information and convenience of voters, and they shall not be voted or counted.

The ballots shall be printed so as to give each elector a clear opportunity to designate his choice of candidates for nomination by making with the stencil a cross in the square after the name of each candidate for whom he wishes to vote for nomination; and on the ballot may be printed such words as will aid the elector to do this, such as, "Vote for one," "Vote for two," and the like, to inform the elector of the number of candidates for whome he is entitled to vote for each office.

By Mr. Gnau:

H. B. 304. An Act providing for the taking of the sense of the people of the state as to the necessity and expediency of calling a convention for the purpose of revising or amending the Constitution of the Commonwealth, and such amendments as may have been made to same as provided by Section 258 of the present Constitution of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending the present Constitution, and such amendments as may have been made to the same, shall be taken as herein provided and as provided by Section two hundred and fifty-eight (258) of the present Constitution of Kentucky.

§ 2. When this Act is passed at the present session of

the General Assembly by a majority of all the members elected to each house of the present General Assembly, that is when a majority of all the members of each house shall concur by a yea and nay vote, to be entered upon their respective journals, this act shall be spread upon the respective journals of each house as a law.

§ 3. If the next session of the General Assembly shall, in like manner concur in this Act after it becomes a law as herein provided, it shall provide for having a poll opened in each voting precinct in the State by the officers provided by law for holding general elections at the next ensuing general election to be held for state officers or members of the House of Representatives, which does not occur within ninety days from the final passage of such law, at which time and place the votes of the qualified voters shall be taken for and against calling the convention, in the same manner provided by law for taking votes in other state elections. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in state elections. If it shall appear that a majority voting on the proposition was for calling a convention, and if the total number of votes for calling of the convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this state, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to re-adopt, revise or amend the present Constitution of this State, and such amendments as may have been made thereto.

By Mr. O'Neill:

H. B. 305. An Act to provide for the safety of persons employed in and about coal mines, and to provide for the examination of persons seeking employment therein in order that only competent persons may be employed as miners, and

to create a board of examiners for this purpose and to provide a penalty for a violation of the same, and appropriating certain funds to pay the salary and expenses of such board.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter no person shall be employed or engaged as a coal miner in this State without having first obtained a certificate of competency and qualification so to do from the Miners Examining Board of this State, created by this Act.

§ 2. Within thirty days after this Act shall become effective the Governor of Kentucky shall appoint a Miners Examining Board to consist of two practical coal miners, who have had not less than ten years' practical experience as coal miners, and one coal operator who has had not less than ten years' practical experience in operating of coal mine or mines; said board to serve for a period of two years, and until their successors have been appointed and qualified. Any vacancy occurring on said board may be filled by appointment by the Governor.

§ 3. The board shall meet immediately after appointment and organize by electing one of their number president, one secretary and one treasurer, provided that the same member may serve as both secretary and treasurer. Each member shall qualify within ten days after appointment by taking the oath or affirmation before some qualified officer, that he will faithfully, honestly and impartially discharge his official duties; which oath shall be filed with the Auditor of the State. The member being chosen as treasurer shall qualify by filing bond with the Auditor of the State in the penal sum of one thousand (\$1,000.00) dollars, which bond shall be approved by the said Auditor.

§ 4. Members of said board shall receive as compensa-

tion for their services ten (\$10.00) dollars per day for each and every day actually engaged in their official duties, and all legitimate and necessary expenses incurred in attending the meetings of said board, which sum shall be paid by the State Treasurer. Said board shall hold an examination once in each calendar month in at least six places located most conveniently with reference to the district in which coal is mined in this State, so that all persons in such district or in this State or who may wish to come into this State for the purpose of mining coal may be examined as to their competency and qualification as coal miners. Public notice of said examination shall be given through the press or otherwise in the discretion of the board, not less than seven days in advance of such meeting, which notice shall fix the time and place at which any examination under this Act is to be held.

§ 5. Each applicant who has had two years experience in coal mining in Kentucky prior to the passage of this Act, or who is engaged in coal mining in Kentucky at the time of the passage of this Act shall not be required to take an examination but may obtain a certificate by furnishing the Miners Examining Board of Kentucky either by affidavit of said applicant, or by oral testimony under oath. In each case, the proof of the applicant must be corroborated by at least one competent witness. Such applicant shall pay a fee of fifty cents along with his application for miner's certificate.

All other applicants shall appear and be examined as heretofore provided for by this Act, and shall pay a fee of two (\$2.00) dollars along with application for certificate.

Fees collected during each month shall, before the tenth of each following month, be paid by the board to the State Treasurer and converted into the general fund, accompanied by a report from the treasurer of said board showing where and from whom such fees are collected.

§ 6. All examinations held by said Miners Examining Board shall be conducted in the English language and shall be of a practical nature so as to determine the competency

and qualification of the applicant to engage in the business of mining coal. Said board shall examine under oath, except as hereinafter provided, all persons who apply for certificates, as to their previous experience as coal miners and shall grant certificates of competency and qualification to only those persons who, in the judgment of the board, are qualified to engage in the occupation of coal mining, which certificates shall entitle the holder thereof to be employed as, and to do the work of, a coal miner in this State. No certificate of competency shall issue, except as hereinafter provided, or be given to any person under this Act unless he shall produce evidence of having had not less than two years' practical experience as a coal miner, and in no case shall an applicant be deemed competent, except as hereinafter provided, unless he appears in person before said board and orally answers intelligently and correctly at least twelve practical questions propounded to him by said board pertaining to his qualifications as a practical miner. The board shall keep an accurate record of its proceedings and meetings and in said record shall show a correct detailed account at the examination in each applicant with questions asked and the answers thereto, and at each of its meetings the board shall keep said record open for inspection. No miners' certificate granted under the provisions of this Act shall be transferable and any effort to transfer the same shall be deemed a violation of this Act. Such certificate shall be issued only at meetings of said board and said certificates shall not be legal unless signed by at least two members of said board and sealed with the seal of the board issuing such certificate.

§ 7. Said board shall, annually, on the first day of June, report to the Governor in writing what examinations it has held and what work it has done during the preceding year, with such recommendations as it may deem advisable for the improvement of the methods of holding examinations and carrying out the purpose of this Act.

§ 8. No person shall hereafter engage as a coal miner

in any coal mine in this State without having obtained a certificate of qualification as provided for in this Act, nor shall any person, firm or corporation employ as a miner in his, their or its mine, any person who does not hold such certificate, nor shall any mine foreman, overseer or superintendent permit or suffer any person to be employed under him or in any mine under his charge or supervision as a miner in any mine in this State, except as herein provided, who does not hold such certificate of qualification. Any person, firm or corporation who shall violate or fail to comply with the provisions of this Act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not more than five hundred (\$500.00) dollars, or shall be imprisoned in the county jail for a term not to exceed six months. at the discretion of the court.

§ 9. It shall be the duty of said Miners Examining Board to report all complaints or charges of non-compliance with or violation of the provisions of this Act to the Commonwealth's Attorney of the district in which such non-compliance or violation occurs, and it shall be the duty of the Commonwealth's Attorney in the district wherein the complaint or charges are made to investigate the same and prosecute all persons, firms or corporations so offending.

§ 10. In order to more effectively carry out the intentions and purposes of this Act, the Miners Examining Board shall have power to administer oaths to any and all persons who may vouch in any manner for the service or qualification of any applicant in order to obtain for him a certificate hereunder and any person who shall willfully swear or falsely testify as to any matter material to such examination or as to the service or qualification of any applicant, shall be deemed guilty of false swearing and shall be subject to the penalties now provided by law for false swearing.

§ 11. The secretary of the board shall prepare such forms as are necessary for certificates of qualification and

such other forms and blanks as shall be necessary to effectively carry into effect this Act, which forms shall be approved by said board. Said board shall also have the power to adopt rules and regulations not inconsistent with this Act for carrying out the provisions of this Act.

§ 12. There is hereby appropriated the sum of six thousand (\$6,000.00) dollars out of the general revenues of the State not otherwise appropriated, for the purpose of paying the salaries and legitimate expenses of the members of the board and the Auditor of the State is hereby authorized to draw his warrant upon the State Treasurer for such other sums from time to time as may be necessary to pay the salaries and legitimate expenses of said board in the performance of their duties under this Act.

§ 13. The Governor shall have power and authority to remove any of the members of said board for neglect of duty, incompetency, or malfeasance in office, and upon such removal shall have power to appoint a successor to the member or members so removed.

By Mr. VanBever:

H. B. 306. An Act making it the duty of the Sheriff and all process serving officers, to also deliver a copy of the petitions filed in any civil actions to all defendants at the same time he serves the summons in said action.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Sheriff or any other process serving officer to also deliver to all of defendants in any civil action a copy of the petition filed in such action, at the same time said officer serves the summons or process upon the defendants named in the petition.

§ 2. That the plaintiff shall at the time the petition is

filed in the Clerk's office, shall also file a sufficient number of copies of the petition to be served on each of the defendants named in said petition.

§ 3. That all laws in conflict herewith are hereby repealed.

By Mr. Schneider:

H. B. 307. An Act relating to operation and driving of motor vehicles; prohibiting operation thereof under certain conditions; and providing penalties for violation of its provisions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever a final judgment recovered in any court of record in this State in an action for damages for injury or death of a person, or for injury to property caused by the operation or ownership of a motor vehicle is unsatisfied for a period of sixty days after the entry thereof, the person, firm or corporation, against whom such final unsatisfied judgment has been obtained, shall be prohibited from further operating or permitting to be operated such motor vehicle in this State. The license right and privilege of said person, firm or corporation to operate, or permit to be operated, such motor vehicle, shall be revoked by the judge of the court in which said judgment was obtained, and if such person, firm or corporation, is the possessor of a driver's license, said driver's license shall be surrendered to the clerk of such court. No judgment shall be deemed final when an appeal from such judgment is perfected and a supersedeas bond has been executed, filed and approved according to law.

§ 2. The operation of a motor vehicle on a highway of this Commonwealth after a suspension of the right to operate the same under the provisions of this Act shall constitute a

misdemeanor, and upon conviction thereof the person so offending shall be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail for a period of not less than five days nor more than thirty days, or both so fined and imprisoned, in the discretion of the court.

§ 3. The prohibition to operate, or to have a motor vehicle operated, shall remain in full force and effect until such time as said unsatisfied judgment is satisfied, provided, however:

(1) By the payment of five thousand dollars upon such judgment or judgments rendered in said cause in excess of that amount for personal injury or death, and by the payment of one thousand dollars which has been credited on such judgment or judgments rendered in said cause in excess of that amount for damages to property as the result of any one accident, resulting from the ownership or operation of such motor vehicle by such judgment-debtor or with his permission, expressed or implied; then and in such event such payment or payments shall be deemed a satisfaction of such judgment or judgments for the purposes of this Act only.

§ 4. The provisions of this Act are severable and if any provision or penalty provided for herein shall be held unconstitutional the decisions of the courts shall not affect or impair the remaining provisions of this Act. It is hereby declared as a legislative intent that this Act would have been adopted had such unconstitutional provisions or penalties not been included therein.

§ 5. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

By Mr. Schneider:

H. B. 308. An Act amending and re-enacting Section 532 of Carroll's Kentucky Statutes, 1930 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 532 of Carroll's Kentucky Statutes, 1930 Edition, be and the same hereby is amended and re-enacted so that when amended and re-enacted said section shall read as follows:

Post Mortem; fees when paid by county.—When in the opinion of the coroner, it shall be necessary to have a post-mortem examination of a dead person during an inquest, he may employ a competent surgeon or physician for that purpose; and when he has reasonable grounds to believe that death has been produced by poison, may employ a competent chemist to analyze the stomach of the dead person. The fiscal court of the county in which the body is found shall pay to any physician, surgeon or chemist employed a reasonable compensation for their services.

By Mr. McCarthy:

H. B. 309. An Act relating to the primary system of public roads in the state.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the State of Kentucky:

Beginning at the end of West Leper Street in Dixon, Kentucky, and extending to Price's Store, on to the Free Union Church, by Budd Asher's farm, Gilbert Clark's farm, to Henry Watson's farm; and to connect with the road extending north from Clay at Bob Knoll's farm, a distance of about five (5) miles; all of which is in Webster County.

All laws or parts of laws in conflict herewith are hereby repealed.

By Mr. McCarthy:

H. B. 310. An Act relating to the primary system of public roads in the state.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A road leading west out of Slaughters, and will intersect at Vandersburg with the Vandersburg, Liberty, and Providence road. Said road will pass through or near the property of the following land owners:

Mr. Richard Dickerson, Mr. L. P. Hopgood, Mr. Guy Pritchett, Mr. B. Sizemore, Mr. W. C. Hopgood, Mr. J. L. Hopgood, Mr. D. W. Brown, Mr. Martin Brown, Mr. Will Higdon, Mr. T. H. Brown, Mr. M. H. King, Mr. Ben Polley, Mr. Babe Cates, Mr. Bob Cates, Mr. E. S. Brown, Mr. George E. Springfield, Rev. W. P. Winstead, Mr. J. P. Day, Mr. Gilbert Laughary, Mr. Robert Winstead, Mr. Charlie Mitchell, Mr. Herman Tompkins, The Hopgood Heirs.

All laws or parts of laws in conflict herewith are hereby repealed.

By Mr. McCarthy:

H. B. 311. An Act relating to the primary system of public roads in the state.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A road extending from Dixon by way of the Webster County Poor Farm, through Vandersburg by Brown's Store, by Burnt Mills to Slaughters, a distance of about fourteen miles; all of which is in Webster County.

All laws or parts of laws in conflict herewith are hereby repealed.

By Mr. Carter:

H. B. 312. An Act establishing as part of the primary system of state highways of the Commonwealth of Kentucky a road in Metcalfe County, and Cumberland County, Kentucky, begining at a point one mile south of Edmonton in the Edmonton-Tompkinsville Road, and runing thence via Grace Union, Subtle, Sulphur Springs and down Renox Creek in Cumberland County, and connecting with the Burkesville-Columbia Road at Thomas' Store.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is established as part of the primary system of State highways of the Comonwealth of Kentucky, a road in Metcalfe and Cumberland Counties, Kentucky, beginning at a point in the Tompkinsville-Edmonton road, one mile south of Edmonton, and running thence via Grace Union, Subtle, Sulphur Springs and down Renox Creek in Cumberland County, and connecting with the Burkesville-Columbia Road at Thomas' Store.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State highways.

By Mr. Fannin:

H. B. 313. An Act to establish independent school districts in this state by vote of the school patrons therein and providing that said district shall not be abolished, merged, or abandoned except by vote of the majority of the school patrons residing therein, repealing all acts in conflict herewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be the duty of the county judge in each county of this Commonwealth, upon a written petition signed by at least fifty per cent (50%) of the legal voters who are taxpayers in the justice's district, town or city of the fifth or sixth class in his county, to make an order on his order book, at the next regular term of his court after he receives said petition, fixing the boundary of any proposed graded independent school district, as agreed on by the county judge and the petitioners, and directing the sheriff or other officers, whose duty it may be to hold the election, to open a poll in said proposed graded independent school district at the next regular state, town or city election to be held therein or on any other day fixed by said judge in said order, not in either case earlier than forty days from the date of said order, for the purpose of taking the sense of the legal white voters in said proposed graded independent school district upon the proposition whether or not they will vote an annual tax, in any sum named in said order, not exceeding the vote provided by law on each one hundred dollars (\$100.00) of property assessed in said proposed graded independent school district, town or city belonging to said white voters or corporations, or a poll tax in any sum named in said order, not exceeding that provided by law, per capita on each white male inhabitant over twenty-one years of age residing in said proposed graded independent school district, or both an ad valorem and a poll tax, if so stated in the order, for the purpose of maintaining a graded independent school in said proposed graded independent school district, and for erecting, purchasing or repairing suitable buildings therefor if necessary.

Provided that no point on the boundary of any proposed independent school district be more than two and a half miles from the site of the school building and that the location and

site of said school building in said district are set out with exactness in said petition, and that the district contains not less than 250 pupil children.

§ 2. If at any time it becomes desirable to either extend or decrease the boundary of a graded common school, a majority of the legal voters in the territory which is proposed to be changed may file a written petition in duplicate, one copy with the Board of Trustees of the graded independent school and one copy with the county board of education. Said petition shall set out with exactness the names of all persons within the territory to be changed and shall show the change in the boundary of the district as proposed by the change. If the petition shall be approved by the Board of Trustees of the graded independent school and the county board of education, an order shall be so made on the records of each board and the change shall be effective at once.

§ 3. All independent school districts established or any such that may hereafter be established shall operate and maintain a high school of equal rank as may be required by law to be maintained.

§ 4. Any independent school district may cease to operate and be abolished by a two-thirds majority of the vote of the legal voters of the said district, the vote when taken to be in the same manner and governed by the same law as when said independent school was established.

§ 5. In event said district shall become abolished as herein provided or merged, as provided by law, the resulting district shall take over all assets and legal liabilities of the district. In event an abolished independent district is re-established, then the resulting district shall take over all assets and legal liabilities of the abolished district.

§ 6. All laws in conflict herewith are hereby repealed.

By Mr. Clay:

H. B. 314. An Act to repeal and re-enact Section 1460 of

Carroll's Kentucky Statutes, 1933 Supplement, being Chapter 82, Paragraph 1, of the Acts of the General Assembly of 1932, relating to the form, arrangement and printing of ballots in general elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1460 of Carroll's Kentucky Statutes, 1933 Supplement, being Chapter 82, Paragraph 1, of the Acts of the General Assembly of 1932, be repealed and re-enacted to read as follows:

The county clerks of the several counties shall cause the names of all candidates of their respective jurisdictions, where nominations for any office specified in the ballot have been duly made and not withdrawn, in accordance herewith, to be printed on one ballot all nominations of any party or group of petitioners, as designated by them in their certificate or petition; or if none be designated, under some suitable title and device. If the same device for designating candidates be selected by two parties or groups of petitioners it shall be given to the one which first selected it, and the clerk shall select a suitable device for the other. The arrangement of the ballot shall in general conform, as nearly as practicable, to the plan hereinafter given, and the devices named and lists of the candidates of the various parties shall be printed in parallel columns, in such order as the Secretary of State may direct, precedence, however, being given to the party which polled the higher number of votes for the head of the ticket in the last preceding election. The device of each party shall be placed at the head of the list of candidates of the party. The device shall not be enclosed in a square, but immediately under it shall be placed the name or title of the party ticket, and immediately under the name or title the list of candidates of the party, the name of each candidate having immediately on its right a small square large enough to contain the cross-mark

by which the voter is required to designate his vote. Underneath the name of each candidate shall be left a blank space large enough to contain a written name.

At the top of the ballot and separated from it by a perforated line shall be a stub, containing the consecutive number of the ballot and a space for the name and residence of the voter. No other or secondary stub shall be attached to the ballot.

On the back shall be printed "Official Ballot," the date of the election and facsimile of the signature of the clerk, who has caused the ballot to be printed. There shall also be printed on the back of the ballot a blank line followed by the word "Judge", and after the ballot has been detached from the stub in the book of ballots and before the ballot is delivered to the voter to be voted one of the judges shall sign his name on such blank line and no ballot not so signed by one of the judges shall be counted by the canvassing board whose duty it is to certify the results of the election. Should an elector desire to vote for each and every candidate of one party he shall make a cross-mark (X) in the circle under the device of said party and the vote shall be counted for all candidates under said device: Provided, however, if a cross-mark (X) be made in the circle under the party device and a cross-mark (X) be also made after one or more candidates of a different party, or parties, the vote shall be counted for the candidates so marked, and not for the candidates for the same offices of the party so marked, but the vote shall be counted for the other candidates of said party.

By Mr. McGarthy:

H. B. 315. An Act relating to communications, statements and confessions made to Editors and Reporters of newspapers in the Commonwealth of Kentucky, and providing that said Editors or Reporters of said newspapers shall not testify concerning said communications, statements or

confessions without the consent of the person making same and defining Editor and Reporter.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no Editor or Reporter, as hereinafter described, of any newspaper in this Commonwealth of Kentucky, shall testify to any communications, statements or confessions which have been made to he or them by any person or persons without the consent of the person who made such communications, statements or confessions.

§ 2. An Editor, as herein used, shall mean, any person who has been so designated as Editor of any newspaper published in this Commonwealth by the owners of said newspaper.

§ 3. The word "Reporter" as used herein, shall mean any person who is duly employed and designated by any newspaper published in this Commonwealth of Kentucky, as a reported of news or who reports to any newspaper any news items. Before any person however, shall be classed as a reporter herein, the owners of said newspaper shall so designate the said person as a reporter and shall prepare and keep a list of all reporters of said newspapers and the date of their employment or discharge on file and shall furnish the list of said reporters to any public official who may call upon them for same.

By Mr. Tapp:

H. B. 316. An Act to amend and re-enact Section 1093 Carroll's Kentucky Statutes, Official Edition, revised 1930.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1093, Carroll's Kentucky Statutes, Official

Edition, revised 1930, be and the same is hereby amended and re-enacted so that as amended and re-enacted, the same shall read as follows, to-wit:

1093. Jurisdiction of Justices, Quarterly Courts and Police Courts in Penal Cases and of Misdemeanors; Violation of Ordinances.—

That justices and quarterly courts and the judges thereof, and police courts in cities of the first, second, third, fourth, fifth and sixth class in this Commonwealth and the judges thereof, shall have jurisdiction exclusive of circuit courts in all penal and misdemeanor cases, the punishment of which is limited to a fine not exceeding twenty dollars (\$20.00), and jurisdiction concurrent with circuit courts of all penal cases and misdemeanor cases, the punishment of which is limited to a fine of not exceeding five hundred dollars (\$500.00), or imprisonment not exceeding six months, or both; and in addition thereto, said courts shall have and exercise power and jurisdiction to adjudge the forfeiture and to revoke for the period of one year the license to operate a motor vehicle held by any person convicted in such court of operating a motor vehicle upon any of the highways of this Commonwealth while in an intoxicated condition; but said courts shall also have and exercise the same jurisdiction in the enforcement of city ordinances that is now given to them by law.

And quarterly courts and judges thereof may and shall take jurisdiction of all city ordinances in towns of the sixth class, imposing fines or forfeitures by ordinances in which said towns there is no acting or qualified police judge, and shall have full power to render and to enforce all judgments rendered thereon, and such judgments shall be for the use and benefit of said town of the sixth class.

By Mr. Wells:

H. B. 317. An Act to repeal and re-enact Section 1243 of Carroll's Kentucky Statutes, 1930 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1243 of Carroll's Kentucky Statutes, 1930 Edition, be, and the same hereby is, repealed and re-enacted so that when re-enacted said section shall read as follows:

Any person, except a female, who shall steal a hog of less value than four dollars or be guilty of the larceny of money, goods, chattels or other property of less value than twenty dollars (\$20.00) shall be punished by confinement in the county jail for not less than one nor more than twelve months; females convicted of petit larceny shall be confined in the county jail not more than thirty days: Provided if the prosecution originated in the police court of any city or town within this Commonwealth the person convicted for the offense shall be confined in the city or town jail of the municipality in which the offense was committed and conviction had, if such a jail be maintained and kept by such municipality.

To a Committee on Judiciary.

By Mr. McConnell.

H. B. 318. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at Quisenberry Crossing in Caldwell County, and running in a Northern direction with Millwood Cemetery, Harmony Church, Pollards Cemetery, the W. L. Pollard farm, Friendship School, Crossroad Church and Cemetery, Piney Grove School to Dawson Springs in Hopkins County, a distance of approximately eighteen miles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a

part of the primary system of highways of the Commonwealth of Kentucky a road beginning at Quisenberry Crossing in Caldwell County, and running in a Northern direction with Millwood Cemetery, Harmony Church, Pollards Cemetery, the W. L. Pollard farm, Friendship School, Crossroad Church and Cemetery, Piney Grove School to Dawson Springs in Hopkins County, a distance of approximately eighteen miles.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

By Mr. Rice :

H. B. 319. An Act requiring the State Highway Commission to pay to cities of the Fourth, Fifth, and Sixth classes for the construction of streets in such cities, where same are parts of a State highway and have been constructed and paid for or obligated to be paid for by said cities or property owners abutting thereon.

Said bill is, as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all cases where cities of the Fourth, Fifth and Sixth classes in this Commonwealth have constructed, or re-constructed streets in said cities which are a part of any State Highway which has been constructed by the State Highway Commission up to the corporate limits of such city, thus making said street a part of said highway, and where the construction through said city is as good or better than the road leading to said city on each side thereof, then the State Highway Commission is hereby directed to pay to said cities an amount equal to the actual cost of constructing said street

through said city, but not to exceed the cost of said road for the same distance outside of said city.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed to the extent of said conflict.

By Mr. McDermott:

H. B. 320. An Act to provide for the creation and organization of a city planning and zoning commission for cities of the third and fourth classes and surrounding territory which bears relation to the planning and zoning thereof; to prescribe and regulate the powers and duties of such commission; to empower cities of the third and fourth classes, through the Mayor, Board of Commissioners or general Council thereof, to take such action as may be necessary, by ordinance or otherwise, to approve and effectuate the commission's action insofar as it may affect property within the limits of such city, and to provide a fund for defraying the expenses of the commission and to levy a tax for that purpose; to authorize the fiscal court of the county in which a city of the third or fourth class is located, to approve or disapprove the action of the commission insofar as it affects property located outside the limits of such city, but within the limits of the county; to empower cities of the third and fourth classes, by ordinance, to provide for the appointment of a board of adjustment and define the powers and prescribe the procedure of such board; to provide for an appeal to the circuit court of the county, and thence to the Court of Appeals, from the orders, decisions or rulings of the board of adjustment; to provide penalties for violation of this Act or any ordinance or regulation made under authority conferred thereby, and also to provide a remedy by proceedings in court for an injunction or other similar relief.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created for each city of the third and fourth classes and surrounding territory which bears relation to the planning or zoning thereof, a commission by the name of "City Planning and Zoning Commission", which Commission shall be constituted as hereinafter provided, and shall have the powers, duties and functions hereinafter conferred or imposed upon it.

CREATION OF COMMISSION

§ 2. Each commission shall consist of seven members, five of whom shall be known as "city members" and shall be citizens and residents of the city affected thereby, and two of whom shall be known as "county members" and shall be citizens of the county in which such city is located residing outside the limits of such city.

The city members shall be chosen in the following manner: The mayor and supervisor of public works, or city engineer, where either of such offices is established and the officer employed, shall be ex-officio members of the Commission. The mayor shall appoint the remaining three city members who shall be qualified persons holding no other city or county office; and if the office of supervisor of public works or city engineer be not maintained, then the mayor shall appoint a fourth member, who may be the holder of a city or county office.

The county members shall be chosen in the following manner: The county engineer shall be ex-officio member of the commission. The remaining member shall be chosen by the fiscal court from qualified persons not holding any other city or county office.

All members of said Commission shall serve without compensation.

The members initially appointed by the mayor shall hold

their offices, according to designation in their appointment, one of them for a term of two years, and the others for terms of four years each, and thereafter, upon the expiration of their respective terms, the successor of each shall hold his office for a term of four years.

Vacancies in the offices of the city members appointed by the mayor shall be filled by successors appointed by the mayor for the remainder of the term of office in which such vacancy has occurred.

The county member initially chosen by the fiscal court shall hold his office according to designation in his appointment, for a term of years, such as his tenure of office shall expire two years after the next elective period of the county engineer and thereafter his successors shall hold office for a term of four years. Vacancies in the office of the appointive county member shall be filled by a successor appointed by the fiscal court for the remainder of the term of office in which such vacancy has occurred.

In all cases of both city and county members where an ex-officio member in the employment of the city or county vacates such official position or employment, he shall ipso facto vacate his office as a member of the Commission.

In all cases of both city and county members, an incumbent otherwise qualified under this act shall hold office until his successor is chosen and qualified.

At least four members of the Commission shall be necessary to constitute a quorum for the transaction of any business, and the affirmative vote of four members shall be required for the exercise of the powers or functions herein conferred or imposed upon said Commission.

Each Commission shall elect a chairman, who shall be a member of Commission not holding any other public office, and shall also elect or employ a secretary, who need not be a member of the Commission.

It shall hold not less than one regular meeting in each month. It shall provide for its order of business and pro-

cedure, and shall keep a record of its proceedings, which shall be a public record and shall be so indexed and kept, (as) to be of convenience and ready reference.

POWERS OF COMMISSION

§ 3. For the purpose of promoting the health, the safety, the morals, or the general welfare of each city of the third and fourth classes and surrounding territory bearing relation to the planning or zoning thereof, the Commission created by this Act is hereby empowered, in a manner and upon the conditions hereinafter prescribed.

A. To make, establish and adopt plans and maps of the whole or any portion of such city, and of any land outside the limits of said city and within the limits of the county containing said city, which, in the opinion of the Commission, bears relation to the planning or zoning of such city, and it may make changes in such plans or maps when it deems same advisable.

In such maps or plans the Commission may provide among other things for changed regulations of all facilities for traffic, transportation or communication and for new or changed harbors, streets, street fixtures, alleyways, viaducts, bridges, subways, parkways, parks, playgrounds or any other public grounds or public structures or public improvements or appurtenances thereto, and for the general location and extent of public utilities and terminals whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power or other purposes, and for the removal, relocation, widening, narrowing, abandonment (either in whole or in part) or extension of any or all such public ways or works or structures then existing with a view to the systematic planning of the city and its environs.

It shall have power to make, establish and adopt plans for the control, development, preservation and care of historical land-marks, for the design and location of statutory and

other works of art which are or may become the property of the city or the county, and may make recommendations to any public authorities or to any corporation or individuals in such cities of the third and fourth classes and surrounding territory which in the opinion of the Commission bears relation to the planning or zoning of such cities, concerning the location of any building, structures or works to be erected or constructed by them.

B. To lay off and establish in each city of the third and fourth class and surrounding territory which in the opinion of the Commission bears relation to the planning or zoning thereof, zones or districts of such number, shape and area as may be deemed by the Commission best suited to carry out the purposes of this Act, and from time to time change such zones or districts, or any of them, as to area or boundary or location, which zones or districts shall be designated by maps or plans as well as by boundaries, which boundaries may be expressed in general descriptive terms, and to make, adopt or establish maps or plans showing such zones or districts, or changes therein, with appropriate designations thereof, and, within such districts, to prescribe, administer and enforce, to the extent and in the manner provided by this Act, regulations of and restrictions upon the erection, construction, reconstruction, alteration, repairs or use of buildings, structures or land, including the regulation and restriction of the height, number of stores and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of such buildings, structures and land for trade, industry, residence or other purposes.

All such regulations and restrictions shall be uniform for each class or kind of buildings throughout each zone or district, but the regulation or restrictions in one zone or district, may differ from these in other zones or districts.

C. To enter upon any lands and make examinations and

surveys for the purpose of exercising the general powers herebefore granted.

D. To make, print and publish and distribute generally copies of any plan, map, report or recommendation made by it.

GENERAL PURPOSE OF COMMISSION PLAN

§ 4. All plats of the subdivision of lands within the corporate limits of the city or within three miles thereof, and all instruments of dedication of lands for public use, shall be submitted to the Commission and approved thereon in writing by it before they may be offered for record or accepted by the city. The approval of the Commission shall not be deemed the city's acceptance of the dedication of any street, alley, way or other public ground shown on the plat or set forth in the instrument.

No street, alley, way, or other public ground shall be accepted by the city as a public street, way, or ground, unless the plat and location thereof shall have been submitted to and approved by the Commission, provided, however, that the city may submit to the Commission any ordinance proposing to accept the dedication of any such unapproved street, alley, way, or ground, and if approved by the Commission, the city shall have the power to accept the dedication thereof by a majority vote of its legislative board; or, if disapproved, by a vote of not less than two-thirds of its members.

All plans, maps, regulations, and restrictions adopted by the Commission shall be made in accordance with a comprehensive design to promote the public health or safety or morals or general welfare in the section or community so affected, by lessening congestion in the streets or by securing safety from fire, panic or other dangers, or by providing adequate light and air, or by preventing overcrowding of land, or by avoiding the undue concentration of population, or by facilitating the adequate provision of transportation, water, sewerage, schools, parks, playgrounds or other public requirements.

Such regulations and restrictions shall be made with reasonable consideration, among other things, of the character of each zone or district affected thereby, and its peculiar suitability for particular uses.

FINANCIAL PROVISIONS

§ 5. The general council or board of commissioners of said cities of the third and fourth classes shall provide for the expenses and accommodations necessary for the work of the Commission, and may levy a tax for that purpose if necessary.

Said Commission shall have the power, out of funds that may be provided for its use, to appoint or employ and control or discharge architects and engineers, and to obtain such other professional services as may be deemed, and also to employ or discharge such clerks, draftsmen and other subordinates as the Commission shall deem necessary for the performance of its functions.

The expenditure of public funds by said Commission shall be limited during each fiscal year to the amount appropriated for each fiscal year, and the fiscal year is hereby fixed so as to conform to the fiscal year of the city of the third or fourth class in which the Commission exercises its functions.

PUBLICATIONS OR PRELIMINARY REPORT

§ 6. Before the Commission shall finally lay off or establish any zone or district either within the limits of said cities of the third and fourth classes, or outside of said limits, within the environs thereof, or make, adopt or establish any plans or maps with reference to said zones or districts or the character of public or private use or improvement thereof, or make any change in any of said zones or districts, or said maps or plans, it shall first embody its conclusions in a preliminary or tentative report, and give public notice thereof by not less than three insertions in some newspaper of general

circulation in said cities of the third and fourth classes and its environs, fixing the time and place when and where objections to said preliminary or tentative report will be heard and considered by the Commission, and the Commission shall hold a meeting at such fixed time and place to consider and act upon said preliminary and tentative report, and any objections thereto. At this meeting, or any subsequent meeting, the Commission shall, upon consideration of all objections, make up its final report, and accompanying map or plan, embodying the result of its judgment upon said preliminary or tentative report and objections thereto.

ADOPTION OF FINAL REPORT

§ 7. The final report of the Commission with respect to the zones or districts which it is authorized by this Act to lay off or establish, or with respect to the regulations or restrictions upon the use of property in any of said zones or districts or with respect to any maps or plans authorized by this Act to be made, insofar as any of them may affect any property located within the limits of such city of the third and fourth class, or any zone or district laid off within such limits, shall be submitted by said Commission to the mayor of such city, who, upon consideration thereof, shall submit same to the board of commissioners or general council of said city.

If the board of commissioners or general council shall approve said report and accompanying maps or plans, they shall draft an ordinance or ordinances providing for the carrying out of said report, and for the establishment of the zones or districts therein laid off or established, for the adoption and enforcement of the regulations or restrictions upon the use of property in any of said zones or districts therein provided, for the adoption and establishment of the maps or plans adopted or established by the Commission, and providing also for the enforcement of said ordinance and said Commission's report, and the various provisions of said ordinance and report.

Full power is hereby conferred upon the board of commissioners or general council to approve or disapprove said Commission's report, but the board of commissioners or general council shall have no power to vary or alter such report in any material respect.

Upon the enactment, approval, and publication, according to law of an ordinance adopting said report, the same shall become immediately effective and operative as a proper exercise by the State of its police powers delegated by this Act.

In case the board of commissioners or general council should refuse or neglect, for a period of more than sixty days after the submission to it of said Commission's report to take action upon said Commission's report, or to draft an ordinance providing for carrying out of said report, said Commission or any property owner aggrieved by such delay may bring an action in the circuit court of the county in which such city of the third or fourth class is located, by mandatory injunction or other appropriate proceeding against the members of said board of commissioners or general council so delaying action, to proceed to consider and act upon said Commission's report and to draft an ordinance providing for the carrying out of such report, but the court shall have no power to determine how the board of commissioners or general council shall act in the exercise of its discretion.

B. The final report of the Commission, insofar as it affects property outside the limits of cities of the third and fourth classes, shall not become effective for such purpose until submitted to and approved by an order or resolution of the fiscal court of the county in which such property is located, and power is hereby conferred upon the fiscal court to approve or disapprove said report, but it shall not have power to make any changes therein: Provided, however, that no action shall be taken by said fiscal court with reference to the approval or disapproval of said report within ten (10) days from the filing of said report.

If said Commission's report, upon hearing, is disapproved by the fiscal court, it shall be ineffective for any purposes outside the limits of such city of the third or fourth class, except as the city may have jurisdiction outside said limits by virtue of any provision of its charter.

If said Commission's report, upon hearing, is approved by the fiscal court, then it is hereby made effectual for all purposes, as an exercise of the police power delegated by this Act to the Commission for the purposes expressed in said report.

In case the fiscal court of the county should refuse or neglect for a period of more than sixty days after the submission to it of said Commission's report, to take action thereon, said Commission or any property owner aggrieved by such delay may bring action in the circuit court of the county in which such city of the third or fourth class is located, by mandatory injunction or other appropriate proceedings, against the members of said fiscal court so delaying action, to compel them to proceed to consider and act upon said Commission's report, but the court shall have no power to determine how the fiscal court shall act in the exercise of its discretion.

AMENDMENTS TO PLAN

§ 8. Any regulations, restrictions or boundaries established by the Commission and made effective in the manner hereinabove provided may, by like proceedings from time to time, be amended, supplemented, changed, modified or repealed: Provided, however, that no change therein shall be made in opposition to a written protest against such change signed by the owners of twenty per cent or more either in number of lots or in area of lots included in such proposed change, where the lot or any part thereof is within 200 feet of any lot affected by such change, unless the change shall be adopted by the unanimous vote of the Commission, and the ordinance approving such change be approved by a vote of at

least three-fourths of the members of the board of commissioners or general council; and provided, further, that no such protest shall be received or counted or considered from any owner, the use of whose property is either of a similar type or a type allowable only in less restricted districts.

BOARD OF ADJUSTMENT

§ 9. There is hereby created a Board of Adjustment consisting of five members, to be appointed in the manner hereinafter provided. Said Board of Adjustment shall have power in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to any plan or rule or regulation made therein or thereunder by the Commission, provided that all such exceptions shall be in harmony with the general purpose and intent of the plan or rule or regulation adopted by the Commission and approved or adopted by the general council, as provided in subsection A, of section 7, of this act, or by the fiscal court, as provided in sub-section B, of section 7, of this act.

Four members of the Board of Adjustment shall be appointed by the mayor, each for a term of four years, except that, in case of first appointed, two members shall be appointed for a term of two years, and two members shall be appointed for a term of four years. The remaining member of the Board of Adjustment shall be appointed for a term of four years by the fiscal court. All members of the Board of Adjustment shall serve without compensation.

Any member of the board appointed by the mayor shall be removable by the mayor for cause, on written charges after public hearing. A vacancy in the office of any member appointed by the mayor shall be filled by the mayor for the unexpired term of such member.

Any member of the board appointed by the fiscal court shall likewise be removable by the fiscal court for cause, on written charges after public hearing. A vacancy in the office of such member shall likewise be filled by the fiscal court for

the unexpired term of the member whose office has become vacant.

The board shall have power to adopt rules and regulations for its own government, not inconsistent with law or with the provisions of any ordinance of the city, or with any order or resolution of the fiscal court, with reference to the plan or plans under consideration by the Board of Adjustment.

Meetings of the board shall be held at the call of a chairman and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Applications to the Board of Adjustment for relief by way of special exceptions as aforesaid, may be made by any property owner aggrieved (including a tenant), and appeals to said board may be taken by any property owner (including a tenant), or by any officer, department, board or bureau of the municipality affected by any ruling of any administrative officer administering any portion of this act or ordinance or regulations or rules enacted pursuant to its authority.

An appeal from a ruling of an administrative officer shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, on days notice of which shall be given to the person appealing, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order, which may, on due cause shown, or made by the Board of Adjustment, on application, after notice to the officer from whom the appeal is taken, or by judicial proceedings.

The Board of Adjustment shall fix a reasonable time for the hearing of any application for special exception, or for the hearing of an appeal. It shall give public notice thereof by two insertions in some newspaper of general circulation in said cities of the third and fourth classes, the first of which insertions shall be published ten (10) days prior to the day fixed for the hearing. Upon the hearing, any party may appear in person or by agent or by attorney and the board shall decide the application or appeal within a reasonable time.

The Board of Adjustment shall have the following powers:

(a) To hear and decide applications for special exceptions as above provided.

(b) To hear and decide appeals taken as above provided.

(c) To authorize, upon such application or appeal, such variance from the terms of the ordinance or of any plans, rules or regulations made therein or thereunder, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the above mentioned powers, such board may, in conformity with the provisions of this act, reverse or

affirm wholly or partly, or may modify an order, requirement, decision or determination as ought to be made.

The concurring vote of four members of the board shall be necessary to grant a special exception.

The concurring vote of three members of the board shall be necessary to reverse or modify any order, requirement, decision or determination of any such administrative official.

APPEALS TO COURTS

All final rules or orders or findings of the Board of Adjustment, unless appealed from as herein provided, shall be conclusive and binding as to all questions of fact, where there is substantial evidence to support such rule, order or finding, but any property owner (including a tenant) aggrieved, or any officer, department, board or bureau of the municipality affected by such finding or final order or rule may, within twenty (20) days after the rendition of such official order or rule of the board, by petition appeal to the circuit court of the county in which such municipality is located for the review of such order or rule of the Board of Adjustment, said officer, board or bureau of the municipality, and any applicant or appellant affected by such official rule or order, being made parties to such appeal.

Such petition shall state fully the grounds upon which a review is sought, and shall be verified by the petitioner, who shall furnish copies of the petition to the adverse parties at the time of filing the same.

Summons shall issue upon the petition, directing the adverse parties to file answer within twenty (20) days after the service thereof and directing the Board of Adjustment to certify its complete record of the case to the court, or in lieu thereof, and if consented to by the petitioner and adverse parties, an abstract of the record.

No new or additional evidence may be introduced in the circuit court except as to the misconduct of some person engaged in the administration of this act or any ordinance

enacted thereunder, which affects the order, decision or rule, but the court shall otherwise hear the cause upon the record or abstract thereof as certified by the Board of Adjustment, and shall dispose of the case in a summary manner, its review being limited to determining whether or not—

(a) The Board of Adjustment acted in excess of its power;

(b) The order, decision or rule was procured by misrepresentation or fraud;

(c) The order, decision or rule is not in conformity to the provisions of this act or of any ordinance, rule or regulation adopted pursuant thereto.

The Board of Adjustment and each party to such appeal shall have the right to appear in such review proceedings. The court shall enter judgment, affirming, modifying or setting aside the order, decision or rule, or, in its discretion, remanding the case to the Board of Adjustment for further proceedings in conformity with the direction of the court. The court may, in advance of judgment and upon a sufficient showing of fact, remand the cause to the board.

Appeals may be taken from the circuit court to the Court of Appeals as appeals in civil cases are now taken according to statutes in such cases made and provided.

Appeals to the circuit court and to the Court of Appeals shall have preference in trial over all other civil actions and proceedings.

PENALTIES AND SUITS

§ 10. It shall be unlawful for any property owner, tenant or other person to erect, construct, reconstruct, alter, repair, convert or maintain any building or structure, or to use or subdivide land, in violation of or contrary to the provisions of this act or of any ordinance or other regulation made under authority conferred hereby. Any person or corporation so offending shall, upon conviction thereof in a court of competent jurisdiction, be fined not less than ten dol-

lars nor more than one hundred dollars for each offense so committed, each day's offense constituting a separate offense, or, if a person, he shall be imprisoned not more than fifty days, or both so fined and imprisoned, within the discretion of the judge or jury, and in addition to the penalties hereby imposed, and in addition to other remedies which may be provided by ordinance adopted under authority of this act, said cities of the third and fourth classes, or said fiscal court of the county in which such city is located or the commission created by this act may institute in any court of competent jurisdiction, an appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate any such violation, or to prevent such illegal occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in, upon or about such premises.

Such action or proceeding shall be conducted as other similar actions and proceedings, and the court shall adjudge therein to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to carry out and effectuate the purposes of this act and of the ordinances, rules and regulations adopted pursuant to authority herein given.

CONFLICTING REGULATIONS

§ 11. Wherever the regulations made under authority of this act require a greater width or size of yards, courts, or other open spaces, or require a lower height of building, or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under the authority of this act or any ordinance enacted pursuant thereto shall govern.

EACH SECTION OF ACT SEPARATE

§ 12. If any section under this act shall be held invalid, such fact shall not affect any other section, it being the intention of the General Assembly in enacting this act, to enact each section and paragraph or clause thereof separately, and if any provision or exception contained in any section shall be held invalid, such facts shall not affect the remaining portion of said section, it being the intention of the General Assembly to enact each section of this act and each proviso and exception thereof separately.

§ 13. This act may be cited as "The City Planning and Zoning Law."

By Mr. McConnell:

H. B. 321. An Act to create a Game and Fish Commission, to define its powers and duties, and to provide for the protection, restoration, propagation and increase of game, birds, fish and fur-bearing animals and transferring duties and funds.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

GAME AND FISH COMMISSION

§ 1. (a) Commission Created. That the Game and Fish Department is hereby placed under a Commission to be known as the "Game and Fish Commission", hereinafter referred to as the Commission, which is hereby created.

(b) Appointment and Terms. The Commission shall consist of five members, who shall fairly represent the several geographical sections of the State (and not more than three of whom shall be of the same political party).

The members of the Commission shall be appointed by the Governor within sixty (60) days after the approval of

this Act, by and with the advice and consent of the Senate, one of whom shall serve for a term of four years, two of whom shall serve for a term of three years, and two of whom shall serve for a term of two years, and thereafter as the term of each member expires, the Governor shall appoint their successors, respectively for a term of four years each, and whenever a vacancy shall occur, death, resignation or removal from office, or from the State, or otherwise, the Governor shall appoint his successor for the remainder of the unexpired term.

No person shall be appointed a member of the Commission unless he shall be well informed on the subject of wild-life conservation and restoration.

(c) Removals. The Governor may remove a commissioner for inefficiency, neglect of duty, or misconduct in office, delivering to him a copy of the charges and affording him an opportunity of being publicly heard in person or by counsel in his own defense, upon not less than ten days' notice.

If such Commissioner shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such Commissioner and his findings thereon, together with a complete record of the proceedings.

The Governor shall fill vacancies by appointment for any unexpired term, subject to confirmation by the Senate at the next regular or special session of the State Legislature.

(d) Reimbursement for Expenses. The members of the Commission shall receive no compensation for their services as members thereof, except that each commissioner shall be entitled to reimbursement for actual and necessary traveling and other expenses and disbursements incurred or made by him in the discharge of his official duties to be paid from the Game and Fish Fund.

(e) Quorum. A majority of the commissioners shall constitute a quorum for the transaction of any business, for

the performance of any duty, or for the exercise of any power.

(f) Office and Supplies. The Commission shall have its principal office in the State Capital or such other place as may be designated in this Act. The Commission is authorized to purchase all supplies, equipment, printed forms, and notices, and to issue such publications as it may deem necessary to carry out the purposes of this Act.

GENERAL POWERS AND DUTIES OF THE COMMISSION

§ 2. (a) Chairman and Meetings. The members of the Commission shall meet at the Capital within thirty days after their appointment and shall organize by electing from their membership a Chairman and a Secretary, and thereafter regular meetings shall be held by the Commission at its offices quarterly, and at such other times and places within the State as the Commission shall select for the transaction of business.

(b) Powers and Duties. It shall be unlawful to take or pursue any of the wildlife of the State at any time or in any manner, except at such times and in such manner as the supply of said wildlife may justify, and the said Commission is hereby directed to make adequate investigation as to the said supply and thereupon shall, by appropriate rules and regulations:

1—Fix seasons and bag limits, or shorten or close seasons on any species of game, bird, or fur-bearing animal, in any specified locality or localities or the entire State, when it shall find, after said investigation, that such action is necessary to assure the maintenance of an adequate supply thereof. The statutes now governing such subjects shall continue in full force and effect, except as altered or modified by rules and regulations promulgated by the Commission.

2—Establish and close to hunting, trapping, or fishing, game, bird or fish refuges on public lands and, with consent of the owner, on private lands; and close streams and lakes, or parts thereof, to hunting, trapping, or fishing.

3—Acquire by purchase, condemnation, lease, agreement, gift, or devise, lands or waters suitable for the purposes hereinafter enumerated, and develop, operate and maintain the same for said purposes:

- (a) For fish hatcheries, nursery ponds, or game farms;
- (b) Lands or waters suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection;

- (c) For public hunting, fishing, or trapping areas to provide places where the public may hunt, trap, or fish in accordance with the provisions of law or the regulations of the Commission;

- (d) To extend and consolidate by exchange lands or waters suitable for the above purposes;

- (e) To capture, propagate, transport, buy, sell, or exchange, any species of game, bird, fish or fur-bearing animal needed for propagation or stocking purposes, or to exercise control measure of undesirable species.

4—Enter into cooperative agreements with educational institutions and state, federal, or other agencies, to promote wildlife research and to train men for wildlife management.

5—Enter into cooperative agreements with federal agencies, municipalities, corporations, organized groups of land-owners, associations and individuals for the development of game, bird, fish, or fur-bearing animal management and demonstration projects.

(c) Limitation on Powers. Nothing in this Act, however, shall be construed to authorize the Commission to change any penalty prescribed by law for a violation of its provisions, or to change the amount of license fees or the authority conferred by licenses prescribed by law.

(d) Organization of Work. The Commission shall establish such departmental bureaus or divisions and shall authorize the Director to employ such experts, clerks, or other employees as it may deem necessary for the conduct of the work of the Commission, and it shall fix their salaries or other

compensation, which shall be paid out of the Game and Fish Fund.

The Commission shall authorize such scientific or other studies as may be deemed necessary to its work, and shall collect, classify, and disseminate such statistics, data, and information as in its discretion will tend to promote the objects of this Act.

OFFICE OF DIRECTOR

§ 3. (a) Director to be Selected. The office of Director of the Game and Fish Department is hereby created. Upon the organization of the Commission hereinbefore provided for, said Commission shall appoint a Director of the Game and Fish Department, who shall be a man with knowledge of, and experience in, the requirements for the protection, conservation, and restoration of the wildlife resources of the State. The Director shall serve for an indefinite term. The Director shall not hold any other public office and shall devote his entire time to the service of the State in the discharge of his official duties.

(b) Compensation and Expenses. The Director shall receive such compensation as the Commission may determine, and shall be reimbursed for all actual and necessary traveling and other expenses incurred by him in the discharge of his official duties.

(c) Oath and Bond. Before entering upon the duties of his office, the Director shall take, and subscribe to, the constitutional oath of office and shall, in addition thereto, swear or affirm that he holds no other public office, nor any position under any political committee or party. Such oath, or affirmation, shall be filed in the office of the Secretary of State.

The Director shall execute and file with the State Treasurer a bond to the people of the State in the sum of Five Thousand (\$5,000.00) Dollars, conditioned on the faithful performance of his duties, and that he will account for and pay over, pursuant to law, all State moneys received by him under

law for the protection of wild animals, birds, and fish. The premium on such bond shall be paid from the Game and Fish Fund.

(d) Duties and Powers. The Director shall have general supervision and control of all activities, functions, and employees of the Game and Fish Department, under the supervision and direction of the Commission, and shall enforce all the provisions of the laws of this State relating to game and fur-bearing animals, birds, and fish, and shall exercise all necessary powers incident thereto not specifically conferred on the Commission.

CONSERVATION OFFICERS

§ 4. (a) Appointment and Selection. The Director is hereby authorized to appoint, with the approval of the Commission, as many Conservation Officers as may be required efficiently to enforce the laws for the protection of wild animals, birds, and fish.

All appointments of Conservation Officers hereafter made shall be under Civil Service rules adopted and promulgated by the Commission. Such examination shall embrace an investigation of the character, habits, and qualifications of each applicant, as well as his knowledge of the State game and fish laws, and the duties and responsibilities appertaining to the position of Conservation Officer.

(b) Compensation and Advancement. Each Conservation Officer shall receive a salary of not less than Nine Hundred (\$900.00) Dollars per annum, payable in monthly installments; provided, however, that each officer who shall have been rated in the first grade for a full year shall receive increased salary at the rate of One Hundred Dollars (\$100.00) per annum, and for each year thereafter in which he shall so qualify he shall receive a like increase until he receives the sum of Eighteen Hundred (\$1,800.00) Dollars per annum; and that each officer who has been rated in the second grade for a full year shall receive increased salary at the rate of

Fifty (\$50.00) Dollars per annum, and for each year thereafter in which he shall so qualify he shall receive a like increase until he receives the sum of Fifteen Hundred (\$1,500.00) Dollars per annum; but the Commission shall have power in its discretion, for cause shown, to cancel such increase, or any part thereof, on the failure of any officer receiving such increase to qualify for the first or second grade in any year.

(c) Political Activity Prohibited. While retaining the right to vote as he may please and to express privately his opinion on all political subjects, no employee or officer of the Commission shall take any active part in political management or in political campaigns, nor shall he use his official authority or influence for the purpose of interfering with an election or affecting the results thereof, or for the purpose of coercing the political action of any person or body.

ORDERS AND REGULATIONS

§ 5. (a) Publication. Rules, regulations and order of the Commission shall be published in the following manner: Those having general application throughout the State shall be published at least once in some newspaper published in and having general circulation throughout the State; those of special character having local application only shall be published at least once in some newspaper published in and having general circulation in the locality wherein such rules, regulations and orders are applicable; but, if no such newspaper is so published and circulated, copies of such rules, regulations and orders shall be posted in at least three conspicuous places in the locality in which they are applicable. Such rules, regulations and orders may also be given such other publicity as the Commission may deem desirable.

(b) Violation of Rules and Regulations. Any person violating any rules, regulations, or order of the Commission shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Ten (\$10.00) Dol-

lars nor more than Fifty (\$50.00) Dollars for each offense, or by imprisonment in the county jail for a period of not less than ten days nor more than thirty days, or by both such fine and imprisonment.

GAME AND FISH FUND

§ 6. (a) Creation of Fund. The Commissioners and the Director of the Game and Fish Department shall promptly pay to the State Treasurer all moneys received by them, respectively, from the sale of hunting licenses or from any other source connected with the administration of the provisions of this Act, or any laws or regulation for the protection of game and fur-bearing animals, birds, or fish, and the State Treasurer shall deposit all such moneys in a special fund to be known as the "Game and Fish Fund", which is hereby reserved, set aside, appropriated and made available until expended as may be directed by the Commission in carrying out the purposes of this Act, or any law or regulation for the protection of wild animals, birds, or fish, and shall be used for no other purpose. All warrants shall be drawn on said fund in the manner provided by the Constitution or by statute.

(b) Transfer of Funds. All funds, appropriations, and moneys provided for the purpose of administering or enforcing the game and fish laws of this State, and all funds, appropriations, property, and moneys under the control of the present Game and Fish Department, or other funds of the State in the custody or control of any other officer or person connected with the office of the present Game and Fish Department, or under the supervision of the said Department, shall be and hereby are transferred to the Commission or the Game and Fish Fund, and made available to and placed under the control of the Commission herein created.

(c) Control of Expenditures. The Commission shall govern the financial policies of the Department and shall fix the budget for the operation and maintenance of its work

for each fiscal year, which budget shall not be exceeded by the Director.

Funds to the credit of the Commission shall be withdrawn by the Director by warrant against the Game and Fish Fund for such purposes as the Commission may direct.

All such warrants shall have attached thereto or contained therein an itemized statement showing the purposes of said expenditure.

The Commission shall not contract any indebtedness or obligation beyond the funds available, or presently to be available, for its use.

(d) Purposes of Expenditures. The Commission shall have the exclusive power to expend for the protection, conservation, propagation, and restoration of game fur-bearing animals, birds, fish, and all funds of the State acquired for the protection, conservation, propagation, or restoration of birds, animals, or fish, arising from State appropriations, licenses, gifts, or otherwise.

FINES AND APPEALS.

§ 7. Payment and Reports. It shall be the duty of each Justice of the Peace or Clerk of the Court, before whom any prosecution under this Act or any law or regulation for the protection of wild animals, birds, or fish may be commenced, or shall go on appeal, and within twenty days after the decision has been rendered therein, to report in writing to the Director the result of the prosecution, the amount of fine collected or penalty imposed, if any, therein.

All moneys collected as fines or penalties for violations of the provisions of this Act or any law or regulation for the protection of wild animals, birds, or fish shall be, within thirty (30) days, paid over to the Commission by the court, Justice of the Peace, or other officer collecting or receiving the same.

SAVING CLAUSES

§ 8. (a) Employees Continued in Service. * All per-

sons in the Game and Fish Department shall continue in service under the direction of the Commission hereby created until such time as transfers or changes in personnel are deemed necessary for the good of the service.

(b) Present Statutes and Orders. Except as herein, specifically or otherwise provided, all laws relating to the collection, carrying, transfer, custody, or disbursement of funds, appropriations, and moneys, or relating to any clerical or ministerial act involved in the collecting, carrying, transfer, custody, or disbursement of funds appropriated or made available for the administration of the game and fish laws of the State, or in the custody or control of the Game and Fish Department or any other officer or person connected with said Department, or under the jurisdiction of said Department, are applied to the collecting, carrying, transfer, custody and disbursement of said funds when under the control of the Commission herein created.

All existing rules, orders, and regulations of the State Game and Fish Commission shall continue in full force and effect as rules, orders, and regulations of the Commission hereby created, until amended or rescinded by it.

(c) Invalidity of Provisions. If any clause, sentence, paragraph, subdivision, section, or part of this Act, or any order or rule of the Commission shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to such clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

REPEALS

§ 9. All Acts, whether general, local, special, or private, or parts of such acts, in conflict with or which are inconsistent with the provisions of this Act are hereby repealed.

DATE EFFECTIVE

§ 10. This Act shall take effect immediately on its passage and approval by the Governor.

By Mr. Reuben Boling:

H. B. 322. An Act creating and establishing as a part of the State Primary System of Roads and Highways, a road project beginning at Webster in Breckinridge County and extending via Raymond to a point intersecting Highway Project No. 504, near Frymire.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established as a part of the Primary Roads and Highways of Kentucky a road beginning at Webster in Breckinridge County to Raymond and leading by the nearest and best route to a point intersecting State Highway Project No. 504 near Frymire.

§ 2. That the construction, maintenance, supervision and control of said roads shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereon, establishing and creating the primary system of State Highways, to the same effect as if said road had been named in the original act as one of the projects of the primary system of State Highways as provided therein.

By Mr. Reuben Boling.

H. B. 323. An Act creating and establishing as a part of the State Primary System of Roads and Highways a road project beginning at a point one-half mile south of Kirk, on the Hardinsburg-Hartford road, and leading to Glendean.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established as a part of the primary roads and highways of Kentucky a road beginning at a point on Hardinsburg-Hartford Road, one-half mile south of Kirk, in Breckinridge County, and leading via of Planters' Hall to Glendean, Kentucky, a distance of about six and one-half miles.

§ 2. That the construction, maintenance, supervision and control of said roads shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereon, establishing and creating the primary system of State highways, to the same effect as if said road had been named in the original act as one of the projects of the primary system of State highways as provided therein.

Ordered that said bills be printed and referred.

By unanimous consent, the Committees to which the same had been previously referred, reported bills of the following titles, viz.:

By Mr. Clay of the Committee on Suffrage and Elections.

H. B. 77. An Act to amend Section 1482, Carroll's Revised Kentucky Statutes, 1933 Supplement Edition, being part of the Acts of the General Assembly of 1932 Regular Session relating to primary and general elections.

With a Committee Amendment thereto.

H. B. 69. An Act to amend and re-enact Section 1596-a-14 of Carroll's Kentucky Statutes 1930, relating to the compensation of county election commissioners.

By Mr. Gnau of the Committee on County and City Courts.

H. B. 38. An Act to invest in the county judge the right to suspend a sentence against one convicted for misdemeanor for not exceeding six months.

By Mr. Davis of the Committee on Teachers Colleges.

H. B. 198. An Act to amend and re-enact Section 4527-44, Baldwin's Revision of Carroll's Kentucky Statutes, being Chapter 65, page 334 of the Acts of 1934, providing for powers of regulation of Boards of Regents in governing teacher's colleges.

By Mr. Embry of the Committee on Claims.

H. Res. 19. Resolution authorizing Joe Sparrow to sue the Commonwealth.

H. Res. 15. Resolution authorizing Boone Dick to sue the Commonwealth.

By Mr. Hunnicutt of the Committee on Juvenile Courts.

H. B. 116. An Act authorizing fiscal courts in counties having one or more cities of the second class to appropriate county funds for the aid and benefit of dependent children.

By Mr. Wagner of the Committee on Appropriations No. 2.

H. B. 129. An Act to create a committee of four to be appointed by the president of the State Bar Association to authorize the revision and republication of the Kentucky Statutes.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were read at length the first time and ordered to be placed on the Calendar.

Dr. Shields moved that the House do now adjourn until eleven o'clock Thursday morning.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 23, 1936.

The House was opened with prayer by the Reverend Father O'Dwyer of the Roman Catholic Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

F. T. Allen	George S. Clay	Ferd A. Gnau
Henry H. Allen	J. A. Coleman	Eugene Gough
C. W. Anderson, Jr.	Roy Conway	Ben Grogan
H. T. Baker	Herbert Cook	Jas. T. Hamilton
G. M. Ballard	Harry Davis	C. L. Hammons
B. F. Bedford	Sam Dever	W. L. Hampton, Jr.
Reuben J. Boling	Stanley S. Dickson	Thomas W. Hines
Douglas Bolling	George W. Dunlap	Price Holbrook
Ollie J. Bowen	Howard G. Early	Clyde S. Howard
Wallace Brown	Garland Embry	John M. Hunnicut
Dr. R. A. Byers	Walter R. Fannin	Ben W. Johnson
Jas. C. Carter	Chas. P. Farnsley	J. H. Jones
V. O. Chandler	T. P. Fitzpatrick	O. C. Jones
Floyd Clark	H. Myer Garner	R. T. Kirkman
Roscoe Claxon	James Garnett, Jr.	J. F. Ladd

Leslie Larrimore	Tyler Munford	Carl Schneider
Robert E. Lee	Rodes K. Myers	Ray O. Shehan
M. T. McCarthy	J. C. Nickell	Dr. B. F. Shields
T. B. McConnell	Russell O'Neill	P. L. Sidebottom
J. L. McDermott	Mel Petry	Chester D. Silvers
Lloyd MacDonald	A. W. Pfeiffer	Henry Stewart
W. F. McGary	J. C. Ramey	H. C. Steely
Elmer McGlothen	Hobart Rayburn	Dr. H. S. Swope
John Marshall	Harry C. Records	R. Van Bever, Jr.
C. S. Matherly	L. K. Rice	S. J. Wagner
D. T. Matlack	Wade H. Riley	Joseph L. Wall
Duke Mayfield	Joe E. Robinson	Henry Ward
G. S. Milam	John C. Robinson	L. R. Wells
W. H. Miller	W. T. Rollo	W. G. Williams
John B. Mollett	A. W. Ross	Charles Wylie
W. E. Mull	Carl Scheben	

Mr. Davis moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Davis moved that a leave of absence be granted to Mr. Thomas.

Said motion was agreed to.

Mr. Davis moved that the privilege of the floor be extended to Dr. A. N. Lloyd.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Grogan:

H. B. 324. An Act to add to the primary system of State Highways two roads, first beginning at the northeast corner

of the city limits of the City of Murray, Kentucky, on the west side of the Nashville, Chattanooga and St. Louis Railroad property line at or near the Murray Milk Products Company; thence, west via Outland Brothers Tobacco Factory to Five Points intersecting the Murray Cold Water, Mayfield Road No. 2, beginning at the southwest corner of the City of Murray at W. L. Whitnell's home place extending north through Twelfth Street to Wash Wall's farm. This road traverses the entire distance of west boundary of the City of Murray, Calloway County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established a part of the primary system of State Highways two roads, first beginning at the northeast corner of the city limits of the City of Murray, Kentucky, on the west side of the Nashville, Chattanooga and St. Louis Railroad property line at or near the Murray Milk Products Company; thence, west via Outland Brothers Tobacco Factory to Five Points intersecting the Murray Cold Water, Mayfield Road No. 2, beginning at the southwest corner of the City of Murray at W. L. Whitnell's home place extending north through Twelfth Street to Wash Wall's farm. This road traverses the entire distance of west boundary of the City of Murray, Calloway County, Kentucky.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways, the same as though said road had been named in said original Act as one of the projects of said primary system of highways.

To Committee on Roads and Highways No. 2.

By same:

H. B. 325. An Act to recognize Nathan B. Stubblefield, native of Calloway County, as the original inventor of radio; to provide funds out of the general revenue funds of the Commonwealth of Kentucky to buy the lot or lots on which his home was situated at the time of his invention of the radio; to convert same into a memorial park in commemoration of the name of Stubblefield; to erect a suitable memorial thereon; and otherwise improve same.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of (\$16,000.00) Sixteen Thousand Dollars is hereby appropriated to be used toward the creation of a memorial park in commemoration of Nathan B. Stubblefield, the original inventor of radio, to be known as "THE NATHAN B. STUBBLEFIELD RADIO PARK".

§ 2. That there is hereby created the NATHAN B. STUBBLEFIELD RADIO PARK COMMISSION, which shall be composed of five persons, citizens of the State of Kentucky. Said Commissioners shall be appointed by the Governor of the Commonwealth and shall be residents of the State of Kentucky for not less than four years, next preceding the adoption of this Act. The governor shall serve as ex-officio chairman of said commission and shall appoint appropriate persons to serve on the commission as follows: two to serve two years, two to serve three years, one to serve four years. All commissioners are to serve without pay save and except for actual expenses incurred in the performance of their duties, said actual expense to be paid monthly upon vouchers duly approved by the commission.

§ 3. Upon the passage of this Act, the commission shall be called together by the governor, or if not called together

by the governor by a majority of the commissioners, to proceed to procure the hereinafter-designated property upon which the Nathan B. Stubblefield Radio Park is to be located, to let contracts for the construction of the memorial, walks, driveways, improvements of property and any other necessary work the commission may see fit to have performed, all subject to the following provisions:

A. Not more than Three Thousand Dollars (\$3,000.00) shall be expended to procure the home site, and no other property shall be purchased than the actual lot upon which the house and home of Nathan B. Stubblefield was located at the time of the invention and discovery of the radio, the lot being described as follows, to-wit:

Beginning at rock at southeast corner of N E QR of Sec. 28 T 2, R 4, east thence north 518 feet with the west side of Murray and Coldwater road designated on Hamilton's plot as Langston Avenue to stake for beginning point of land herein conveyed thence west 194 feet thence south 75 feet with west curb of Langston Avenue to the point beginnings of the land herein conveyed being one building lot 75 feet by 194 feet located just south of W. B. Moser lot.

B. Not more than Thirteen Thousand Dollars (\$13,000.00) shall be expended to erect a suitable and appropriate building, to construct walks, driveways, and to make necessary improvements.

§ 4. It shall be the duty of said commission and it shall have the power to make research, collect data, to make contracts and to be contracted with in carrying out the general purposes of this Act. The commission is hereby authorized to co-operate with the state and federal park commission in furthering the state and national program of parks and memorials.

§ 5. All acts and parts of acts in conflict with this Act are hereby repealed.

To Committee on Appropriations No. 2.

By Mr. Rice:

H. B. 326. An Act relating to roads and highways, and establishing a project to be added to the primary system of state roads and highways running from St. Helens by way of Monica, Bear Creek, Chapman Fork of Bear Creek, Hoy's Gap, Rock Lick Creek, War Creek Gap, and thence across the North Fork at Miller's Gap, and thence to Route No. 15 near Frozen Creek.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road beginning at St. Helens on State Route No. 52, and running thence by way of Monica, Bear Creek, Chapman Fork of Bear Creek, Hoy's Gap, Rock Lick Creek, War Creek Gap, and thence across the North Fork at Miller's Gap, and thence to State Route No. 15 near Frozen Creek, be and the same is hereby designated and established as part of the primary system of the State Highways of the Commonwealth of Kentucky; to be known as the State Primary Road Project No.

§ 2. The said road to have and to secure all the benefits of the State Primary Road system under Chapter 17 of the Acts of 1920, and all amendments thereto.

To Committee on Roads and Highways No. 2.

By Mr. Chandler:

H. B. 327. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point on Highway 60 near Rosebud Church in Crittenden County, and running due South by way of Crowell and Tosh Cemetery and near Kilpatrick Cemetery through the Drennon and Hill community, and terminating at the Shady Grove Highway near J. T. Stewarts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point on Highway .60 near Rosebud Church in Crittenden County, and running due South by way of Crowell and Tosh Cemetery and near Kilpatrick Cemetery through the Drennon and Hill community, and terminating at the Shady Grove Highway near J. T. Stewarts.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

To Committee on Roads and Highways No. 2.

By Mr. Chandler:

H. B. 328. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point on the highway from Salem in Livingston County to Berry's Ferry at or near the farm of Tom Wallace, and extending to and joining the road now a part of the primary system from Tyners Store to the farm of Henry Jones in Livingston County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point on the highway from Salem in Livingston County to Berry's Ferry at or near the farm of Tom Wallace, and extending to and joining

the road now a part of the primary system from Tyners Store to the farm of Henry Jones in Livingston County.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

To Committee on Roads and Highways No. 2.

By Mr. Chandler :

H. B. 329. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point on Highway 60 near the town of Repton in Crittenden County, and running a due East course through said town and by way of Tosh Cemetery, Cave Spring Church and Prospect School and terminating at the Webster County line at the Fish Trap Bridge with the highway running from Dixon in Webster County to the Crittenden County line a distance of approximately twelve miles.

Said bill is as follows, viz. :

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point on Highway 60 near the town of Repton in Crittenden County, and running a due East course through said town and by way of Tosh Cemetery, Cave Spring Church and Prospect School and terminating at the Webster County line at the Fish Trap Bridge with the highway running from Dixon in Webster County to the Crittenden County line, a distance of approximately twelve miles.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky

shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

To Committee on Roads and Highways No. 2.

By Mr. Mayfield:

H. B. 330. An Act to add to the primary system of public roads in Graves County and along the Graves-Hickman County line from Water Valley, thence in a northerly direction, to intersect with the highway No. 58, near Sugar Grove Church.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of the state highways of Kentucky a road beginning at Water Valley in Graves County, thence in a northerly direction to intersect with highway No. 58 at a point near Sugar Grove Church.

To Committee on Roads and Highways No. 2.

By Dr. Swope:

H. B. 331. An Act requiring public officials of counties, graded school districts, subdivisions, and districts less than a county and municipalities, whose duty it is to collect, have the custody of disbursement of public funds of such county, graded school district, subdivision or district less than a county or municipality, to make, file and publish annually a sworn statement of all funds collected, received and disbursed, by such officer during the fiscal year, except in counties having therein a city of the first class, or in a county or city which by law is required to make quarterly publication of its fiscal and

financial affairs, and describing the manner in which they shall be published and the price to be paid for such publication, also describing the manner and price to be paid for printing sheriff's list of delinquent taxes, and prescribing penalties for a violation thereof; repealing inconsistent laws.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every public official of any county, graded school district, city, town or subdivision or district, less than a county, whose duty it is by virtue of his office to collect, receive, have the custody, control or disbursement of public funds of said county, graded school district, subdivision or district of said county, city or town, except in counties containing a city of the first class or a county or city which by law is required to make quarterly publications of its fiscal and financial affairs, shall within sixty days after the expiration of each fiscal year prepare a condensed sworn statement of such funds so collected, received, held or disbursed by him, during the fiscal year just closed, which statement shall show the amount of public funds collected and received and from what sources received; the amount disbursed and for what purposes expended; and shall cause such statement to be published in full in a newspaper published in said county which has the largest circulation therein, and said officer shall file a written or printed copy of said statement subscribed and sworn to, in the office of the clerk of the county court of the county in which said officer resides or holds office; Provided, the publication required in this Act shall be made in the size type used for the regular news items in said paper, and at a rate not to exceed fifty cents per inch, to be paid for out of the public funds in the hands of the officer making such statement, sheriff's or treasurer's report of delinquent taxes to be published in the same size type and at the same rate as the foregoing statements.

§ 2. Any public official or newspaper who shall fail, refuse or neglect to comply with the provisions of the first section of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) at the discretion of the court or jury trying the case, which fine shall be paid into the treasury of the county or town in which the officer convicted of said misdemeanor shall hold his office.

§ 3. All acts or parts of acts or laws in conflict with this Act is hereby repealed.

To Committee on Kentucky Statutes No. 1.

By Mr. Hampton:

H. B. 332. An Act to add to the primary system of public roads, a road leading from Filicean, in Graves County, thence westerly following what is known as the "State Road" through Hickman County to the Junction of Highways Nos. 51 and 94 in Fulton County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of the State Highways of Kentucky a road beginning at Filicean in Graves County; thence westerly following what is known as the "State Road" through Hickman County, to the Junction of Highways Nos. 51 and 94 in Fulton County.

To Committee on Roads and Highways No. 2.

By Mr. Rayburn:

H. B. 333. An Act to add to the Primary Road System a road in Lewis and Carter Counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby added to the Primary Road System a road more fully described as follows:

Beginning at a point at or near the Laurel Point High School in Lewis County, to connect with the Olive Hill, Vanceburg Road and going up Laurel Creek to Fitch, Kentucky thence down Flat Fork of Tygart Creek to connect with Highway No. 60 near the residence of Frank Garvin.

§ 2. That the construction, maintenance and supervision of the road be and the same is to be under the direction and control of the State Highway Commission and said road shall be entitled to all laws pertaining to the construction of Highways in this Commonwealth.

To Committee on Roads and Highways No. 2.

By Mr. Wall:

H. B. 334. An Act to amend and re-enact section 4238, Kentucky Statutes 1933 Supplement to Carroll's 1930 Edition, relating to revenue and taxation, so as to limit the State tax on the recording of chattel mortgage.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4238, Kentucky Statutes, 1933 Supplement to Carroll's 1930 Edition, be and the same is amended and re-enacted so that said section as amended and re-enacted shall read as follows:

On each original action or proceeding in the circuit court, commencing with or without original process, and on each original action or proceeding in other courts, when the

amount in controversy, exclusive of interest and cost, exceeds fifty dollars (\$50.00); on each appeal to the circuit or quarterly court; on each traverse or forcible entry or detainer; on each proceeding to revive a judgment, fifty cents (fifty cents); on each deed or power of attorney to convey real or personal estate, or any mortgage or conveyance of real or personal property, or lien or conveyance of coal, oil, gas or other mineral right or privilege, one dollar (\$1.00), but no tax shall be paid on any chattel mortgage unless the amount exceeds two hundred dollars (\$200.00), and on each marriage license, three dollars and fifty cents (\$3.50), and on the seal of any court; required by law to keep a seal, fifty cents (50c), except for license authorized by the state; on each appeal to the Court of Appeals, two dollars (\$2.00), on each verdict of a petit jury in civil cases in the circuit court, four dollars (\$4.00). The tax shall be paid when the parties withdraw a jury or the plaintiff sustains a non-suit after the jury is sworn. On filing and registering a plat and certificate of survey, and issuing and recording patent thereon, one charge, which shall be paid before the survey is filed, but not to apply to a survey heretofore filed in register's office, two dollars and fifty cents (\$2.50) for each survey consisting of ten acres or less, and five dollars (\$5.00) for each survey in excess of ten acres; for filing a caveat, twenty-five cents (25c); for filing a copy of judgment of a court in a case of a caveat, mandamus or other proceeding affecting the land office, or the duties of the register, twenty-five cents (25c); for issuing a land warrant, one dollar (\$1.00); for each official certificate with seal of office affixed, one dollar (\$1.00); for a copy of a plat, fifty cents (50c); for a copy of a course and distances of any patent or survey, fifty cents (50c); for a copy of an entry or land warrant, fifty cents (50c); for a copy of an assignment, twenty-five cents (25c); for a copy of a caveat, two cents (2c) for every twenty words; for a copy of any writing not specifically provided for, two cents (2c) for every twenty words.

To Committee on Revenue and Taxation No. 2.

By Mr. Wagner:

H. B. 335. An Act to protect and safeguard the Public Health in Cities of the First and Second Class in the Commonwealth of Kentucky by requiring Pasteurization of all Milk and Milk Products, except that defined as "Certified Milk" and "Certified Milk Products" sold for consumption in cities of the first and second class; defining terms and providing for enforcement of the Act and penalties for violation thereof, and repealing all laws inconsistent therewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Purpose.*—Whereas experience has shown that in concentrated areas of population, milk and milk products must be made safe for the consumer, the purpose of this Act is to provide cities of the first and second classes with a safe milk supply in order to protect and safeguard the public health.

§ 2. *Definitions.*—Whenever in this Act, the following terms shall be construed as set out.

(a) "Milk". Milk is hereby defined to be the lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within fifteen days before and five days after calving, or such longer period as may be necessary to render the milk practically colostrum free; which contains not less than 8% of milk solids not fat, and not less than 3¼% of milk fat.

(b) "Milk Products". Milk Products shall be taken to mean and include Cream, Vitamin D Milk, Buttermilk, Cultured Buttermilk, Skimmed Milk, Reconstituted or Recombined Milk and Cream, Chocolate Milk, Flavored Milk and Skimmed

Milk Beverages, as defined in the rules and regulations of the State Department of Health.

(c) "Certified Milk". Certified Milk is Milk which conforms with the current requirements of the American Association of Medical Milk Commissions and is produced under the supervision of the Medical Society of any Kentucky County and of the State Department of Health and City or County Health Officer.

(d) "Pasteurization". The terms "Pasteurization", "Pasteurized", and similar terms shall be taken to refer to the process of heating every particle of Milk or Milk Products to a temperature of not less than 142° F., and holding at such temperature for not less than 30 minutes in pasteurization apparatus approved by the Health Officer, provided that approval shall be limited to apparatus which requires a combined holder and indicating thermometer temperature tolerance of not more than $1\frac{1}{2}^{\circ}$ F., as shown by official tests with suitable testing equipment, and provided that such apparatus shall be operated as directed by the Health Officer and so that the indicating thermometers and the recording thermometer charts both indicate a temperature of not less than $143\frac{1}{2}^{\circ}$ F., continuously throughout the holding period. The terms "Pasteurization", "Pasteurized", and similar terms shall also include the process of heating every particle of Milk or Milk Products to 160° F., and holding at that temperature or above for not less than fifteen seconds in apparatus designed and operated in accordance with specifications approved by the State Health Department. Provided that nothing contained in this definition shall be construed as disbaring any other process which has been demonstrated as of at least equal efficiency and is approved by the State Health Authority.

"Health Officer". The term "Health Officer" shall mean the Health Authority of any City of the first or second class, or his authorized representative.

§ 3. It shall be unlawful for any person, persons, firm

or corporation to sell, offer or expose for sale, or have in possession with intent to sell, in cities of the first and second classes, or their police jurisdiction, Milk or Milk Products, which have not been properly treated by Pasteurization. This Act is not to be construed as prohibiting the sale of Certified Milk and Certified Milk Products as defined herein.

§ 4. The State Board of Health and its Agent and the Board of Health of every first and second class city through its Health Officer and his Agents are hereby authorized to enforce the provisions of this Act.

§ 5. *Penalties.*—Any person, persons, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Twenty-five (\$25.00) Dollars and not more than One Hundred (\$100.00) Dollars for each offense.

§ 6. *Constitutionality.*—Should any section, paragraph, sentence, clause, or phrase of this Act be declared unconstitutional or invalid for any reason, the remainder of said Act shall not be affected thereby.

§ 7. All Acts and parts of Acts in conflict with this Act are hereby repealed.

To Committee on Public Health No. 1.

By Mr. Wagner:

H. B. 336. An Act to enable Cities, Towns and Villages, organized under any general or special law, to levy and collect a tax or license fee from foreign fire insurance companies for the benefit of organized fire departments.

Said bill is as follows, viz.:

Be it enacted by the People of the Commonwealth of Kentucky represented in the General Assembly:

§ 1. All corporations, companies and associations not incorporated under the laws of this Commonwealth, and which

are engaged in any city, town or village organized under any general or special laws of this Commonwealth, in effecting fire insurance, shall pay to the treasurer of the city, town or village for the maintenance, use and benefit of the fire department thereof, a sum not exceeding two per cent of the gross receipts received by their agency in such city, town, or village; and any city, town or village of less than fifty thousand inhabitants, having an organized fire department, shall cause to be passed an ordinance providing for the election of officers of such organized fire department, by the department, which shall include a treasurer, and make all such rules and regulations in respect thereof and the management of said fund as may be needful; that in all such cities, towns or villages the treasurer shall pay such sum received from insurance companies to the treasurer of the fire department of the city, town or village in which it is collected. The treasurer of such fire department shall give a sufficient bond to the city, town or village in which such fire department is organized, to be approved by the president of the village or mayor, as the case may be, conditioned for the faithful performance of his duties under the ordinance passed as aforesaid by said city, town or village; and the treasurer of the fire department shall receive the money so collected and shall pay out the same upon the order of the said fire department for the purpose of the maintenance, use and benefit of such department: Provided, that in any city, town or village where a firemen's pension fund is or may be established under other laws of this Commonwealth all of the amount so collected may be set apart and appropriated by the city, town or village to the fund for the pensioning of disabled and superannuated members of the fire department, and of the widows and orphans of deceased members of the fire department. Cities, towns and villages are hereby empowered to prescribe by ordinance the amount of tax to be fixed, not in excess of the above rate, and at that rate such corporations, companies and associations shall pay upon the amount of all premiums which dur-

ing the year ending on very last day of December, shall have been received for any insurance effected or agreed to be affected in the city, town or village, by or with such corporation, companies or associations respectively. Every person who shall act in any city, town or village as agent or otherwise, for or on behalf of such corporation, company or association, shall, on or before the fifteenth day of January, of each and every year, render to the city, town or village clerk a full, true and just account verified by his oath of all the premiums which, during the year ending on every last day of December preceding such report, shall have been received by him, or any other person for him in behalf of any insurance. Such agents shall also pay to the treasurer of any city, town or village, at the time of rendering the aforesaid report, the amount of rate fixed by the ordinance of the said city, towns or villages, for which the companies, corporations or associations represented by them are severally chargeable by virtue of this Act, and the ordinance passed in pursuance thereof. If such account be not rendered on or before the day herein designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business or insurance in any such city, town or village until the requisition shall have been fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be taken in violation hereof.

§ 2. Any person or persons violating any of the provisions of this Act shall be subject to indictment, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand dollars or imprisonment in the county jail not exceeding six months, either or both in the discretion of the court. The amount of said tax may be also recovered of said corporation, company or association or its agent, by any action in the name and for the use of any such city, town or village as for money had and

received: Provided, that this Act shall only apply to such cities, towns and villages as have established and maintained, by and under municipal ordinance, a fire department for the prevention of fires.

§ 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

To Committee on Revenue and Taxation No. 2.

By Mr. Ward: '

H. B. 337. An Act to prohibit marathons, danceathons, walkathons, skateathons, or any endurance contest of a like or similar nature in the State of Kentucky, and providing penalties for any person, firm or corporation participating in, aiding or promoting such contests.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person or persons, firm or corporation, to advertise, maintain, promote or to aid in the advertising, operating, promoting or maintaining of any mental or physical endurance contest in the nature of a dance, marathon, walkathon, skateathon or any such endurance contests of a like or similar nature, whether under that or similar names. Nothing in this bill shall apply to the continuance of the ordinary amateur or professional athletic events or contests of high school, college or inter-collegiate sports.

§ 2. Any person, firm or corporation participating in or promoting any such contests and violating any of the provisions of this bill shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50 nor more than \$300, to which may be added imprisonment not exceeding one hundred and eighty (180) days, in the discre-

tion of the court. Each day on which violations continue shall constitute a separate offense under this act.

To Committee on Retrenchment and Reform.

By Mr. Ward:

H. B. 338. An Act to amend Section 17, Article 4, Chapter 100 of the Acts of the General Assembly of 1894 and to add Section 2 thereto so as to extend the exemption thereby authorized from municipal taxation to include new construction of any kind.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section II. The general council of said city shall have power to exempt from municipal taxation for a period not exceeding 5 years, as inducement to the erection thereof, all new construction located within the limits of said city provided that this exemption shall apply only for 5 years from the date of the completion of said construction and, provided further that it shall not apply to reconditioning, renovating or repairing of property and, provided further that the exemption so granted shall extend only to the value of the new construction or improvement.

To Committee on Trade and Commerce.

By Mr. Ward:

H. B. 339. An Act to authorize cities of the second class to establish and maintain a department of charities and relief and to provide for the fulfillment of the purpose of such departments through the levying of a tax in support thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Cities of the second class are hereby authorized to establish by ordinance providing therefor departments of charities and relief and for the support and maintenance thereof and the fulfillment of the purpose for which such departments is created as defined in this Act; the general council or other legislative body of such cities may annually cause to be levied and collected a tax of not less than one (1) nor more than twenty (20) mills on each \$100.00 worth of property, taxable for city purposes.

§ 2. Such department of charities and relief shall, from its funds, provide for the relief through direct, as well as indirect methods, of such residents of such city as may, due to unemployment (not arising from their own misconduct), or from misfortune or illness, be in destitute circumstances.

§ 3. Such department when created shall be under the supervision of a Director of Charities and Relief who shall be appointed or selected in such manner as the ordinance may provide.

To Committee on Cities of 2nd Class.

By Mr. Lee:

H. B. 340. An Act establishing as a part of the primary road system a road extending from the intersection of same with the Monticello-Whitley City road near Griffin, via Parmleysville, Mount Pisgah, New Hope Church and Sumpter, to the intersection of same with the Duncan Valley Road at Cooper, in Wayne County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the pri-

mary road system a road in Wayne County, Kentucky, extending from the intersection of same with the Griffin road near the residence of Dr. J. F. Hill, following the general course of the present road by way of Parmleysville, Mount Pisgah, New Hope Church, and Sumpter to the intersection of same with the Duncan Valley road at Cooper Post Office.

To Committee on Roads and Highways No. 2.

By Mr. Lee:

H. B. 341. An Act establishing as a part of the primary road system a road extending from the intersection of same with Highway No. 90 at Susie by the way of Stop, Murl and Cabell, to Lula Post Office, in Wayne County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the primary road system a road in Wayne County, Kentucky, extending from the intersection of same with Highway No. 90 at Susie, following the present road by way of Stop, Murl, and Cabell, to Lula Post Office.

To Committee on Roads and Highways No. 2.

By Mr. McCarthy:

H. B. 342. An Act establishing as a State Primary Road, a road leading from the Providence and Clay Road; State Primary Road Project No. 124 to the Clay and Fishtrap Road, State Primary Road Project No. 696, a distance of approximately three and one-half miles, in Webster County, Kentucky, and designating said road as State Primary Road Project No.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, for the purpose of connecting State Primary Road Project No. 124 with State Primary Road Project No. 696, there is hereby established as a part of the Primary System of State Highways of the Commonwealth of Kentucky, a road beginning about four miles North of Providence, in Webster County, Kentucky, on Providence and Clay Road; on State Primary Road Project No. 124 running thence by the way of White Oak Church to intersect the Clay and Fish-trap Road State Primary Road Project No. 696 at or near Gold's Store a distance of approximately three and one-half miles. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating the primary system of state highways.

§ 2. Said road shall be designated and known as State Primary Road Project No.

To Committee on Roads and Highways No. 2.

By Mr. Williams:

H. B. 343. An Act to establish as part of the primary system of State highways, a road leading from a point on U. S. Highway No. 31-W at the property of Rolly Shelton, about three miles North of Bowling Green, Kentucky, and diverging East from said point along what is now known as the Porter Pike to Three Forks in Warren County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of the State highways of the Commonwealth of Kentucky, a road leading from a point on U. S. Highway No. 31-W at what is known as Rolley Shelton's place, about three miles north of Bowling Green, and running east from said highway along what is now known as the Porter Pike to Three Forks in Warren County.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920 and all laws pertaining thereto, establishing and creating a primary system of State Highways to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State Highways, as provided therein.

To Committee on Roads and Highways No. 2.

By Mr. Lee:

H. Res. 33. A resolution authorizing William Cox to sue the Commonwealth of Kentucky and the State Highway Commission or either.

Said resolution is as follows, viz:

Whereas, on or about the seventeenth day of May, 1933, William Cox, a resident of Cooper, Wayne County, Kentucky, was run over and injured on the highway leading from Monticello to Cooper, in Wayne County, Kentucky, wherein it is claimed that while the said William Cox was walking the highway he was struck and injured, both of his legs being broken, and receiving other injuries, by a truck operated by one of the employees of the State Highway Commission, in a very careless, negligent and reckless manner, the employee driving th truck at an excessive rate of speed, on

the wrong and improper side of the road, and while he was in an intoxicated condition. Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That William Cox be, and he is, hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either, in the Wayne Circuit Court, the County of the residence of said William Cox for damages for the loss of earning power, physical suffering, and for hospital and medical bills of the said William Cox, which were all brought about and caused by the negligence of the employee of the State Highway Commission. Said suit shall be for any amount not exceeding the sum of six thousand (\$6,000.00) dollars, and in the event any judgment is recovered by said William Cox in said suit for injuries to himself, or same is compromised or settled, said judgment shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the General Fund.

Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

To Committee on Claims.

By Mr. Byers:

H. Res. 34. Resolution authorizing Ohio County to sue State Highway Commission and the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Whereas, the legal voters of Ohio County, Kentucky on the 3rd day of March, 1923, voted a road and bridge bond authorizing a bi-partisan commission named, to contract in-

debtedness of \$300,000.00 for the construction of highways and bridges in said county; and,

Whereas, said commission, together with the fiscal court, issued bond in the sum of \$300,000.00, and said bonds, after due publication, were sold to the highest and best bidder; were purchased by Caldwell & Company of Nashville, Tennessee, whose bid was 101, and the further agreement to pay 5% on the daily balance of said sum; and,

Whereas, the principle and interest accumulated on said sum, amounting in the aggregate of \$334,725.66, which, from time to time was withdrawn by the State Highway Commission, or their agents, leaving an amount over and above said sum of \$5,500.00 which was later withdrawn by the officials of Ohio County, Kentucky and placed in the sinking fund for the purpose of redeeming coupons on said road and bridge bonds; and,

Whereas, the sinking fund or any funds in the hands of Caldwell & Company which was in excess of \$300,000.00 constitutes a part of the sinking fund for the redemption of bonds and coupons, and as such was inviolate; and,

Whereas, the said Ohio County, by and through its agent Gilmore Keown, has demanded a refund of both the State Treasury and the State Highway Commission, and that the State Treasury and Elam Huddleston has likewise demanded refund to said Ohio County of \$34,725.66.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1: That Ohio County, Kentucky, be and it is hereby authorized and permitted to sue the State Highway Commission and the Commonwealth of Kentucky in the Franklin Circuit Court for such interest as may be due on account of the premises hereof and in the event of the recovery by said Ohio County, Kentucky in said suit, or, upon the presentation of the facts and agreement of the parties or their agents, said amount shall be paid by the State of Kentucky by warrant on the Treasury but without an execution being issued, but the

judgment or payment shall, in no event exceed the sum of \$34,725.66, and legal interest thereon, from January 1, 1928 to date of payment, and in the event of disagreement or exception to a judgment.

§ 2. Either party shall have the right to appeal as in any other civil case.

To Committee on Claims:

By Mr. Conway:

H. Res. 35. Resolution authorizing Andy Hunter and Mathew Hunter, to sue the Commonwealth of Kentucky and or the State Highway Commission of Kentucky.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Andy Hunter and Mathew Hunter be and they are hereby empowered and authorized to file and prosecute appropriate actions, severally and respectively, against the Commonwealth of Kentucky and the State Highway Commission, or either, or both, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for such injury and death, if any there be; and injury to person or property, if any there be; and in the event any judgment in either action is recovered by said Andy Hunter or Mathew Hunter or their representatives, or either of them, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any such suit may appeal from any judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the con-

sent and approval of the Attorney General of Kentucky, in the same way as any other civil case.

§ 3. Said action may be brought in any county of Kentucky having jurisdiction of the parties and subject matter.

To Committee on Claims.

By Mr. Ladd:

H. Res. 36. Joint resolution authorizing R. T. Humphries to file suit against the Commonwealth of Kentucky and the State Highway Commission or either.

Said resolution is as follows, viz:

Whereas, in 1935 while employed by the State Highway Department, R. T. Humphries was seriously injured while so employed and engaged in his duties with the Highway Department and through negligence on the part of the said Department. Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That R. T. Humphries be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either of them, in the Circuit Court of the county of his residence for such damages as he may have suffered, if any, by reason of any injury received by him through the carelessness or negligence of the State Highway Commission, as aforesaid, provided any such action shall be instituted within one year from the date this Resolution becomes effective.

To Committee on Claims.

The Speaker announced that he had referred bills which were introduced on yesterday, as follows:

H. B. 307. To Committee on Roads and Highways No. 1.

- H. B. 308. To Committee on Public Health No. 1.
- H. B. 320. To Committee on Cities 3rd Class.
- H. B. 316. To Committee on Court of Appeals.
- H. B. 313. To Committee on Education No. 1.
- H. B. 315. To Committee on Kentucky Statutes No. 1.
- H. B. 321. To Committee on Fish and Game.
- H. B. 314. To Committee on Suffrage and Elections.
- H. B. 303. To Committee on Suffrage and Elections.
- H. B. 305. To Committee on Mines and Mining.
- H. B. 306. To Committee on Judiciary.
- H. B. 304. To Committee on Constitutional Amendments.
- H. B. 319. To Committee on Roads and Highways No. 1.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in that body entitled:

S. Res. 6. Joint resolution authorizing R. Young and Joseph Young to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

S. Res. 15. Resolution for the relief of R. G. Holbrook, sheriff of Owen County, Kentucky, for mileage and expenses incurred by him as agent for the Commonwealth.

S. B. 66. An Act to amend and re-enact Section 2739g-94, Supplement to Carroll's Kentucky Statutes 1933, relating to

jurisdiction of offenses for the trial of violations of the Motor Vehicle law.

S. B. 43. An Act to amend and re-enact Section 2740, Kentucky Statutes, 1930 Edition, relating to classification of cities.

Ordered that said bills and resolutions be printed and referred as follows, viz.:

S. Res. 6. To Committee on Claims.

S. Res. 15. To Committee on Claims.

S. B. 66. To Committee on Judiciary.

S. B. 43. To Committee on Classification of Cities and Towns.

The hour of eleven-thirty o'clock having arrived, that being the hour for the Special Order of the Day, to wit: a bill entitled:

H. B. 10. An Act to reduce the State gasoline tax one cent per gallon.

The House took up for consideration said bill.

Mr. Milam moved that said bill be made a Special Order of the Day for to-morrow at eleven-thirty o'clock A. M.

Said motion was agreed to.

The Committees to which the same had been previously referred, reported bills of the following titles, viz.:

By Mr. Tapp of the Committee on Court of Appeals:

H. B. 188. An Act to amend and re-enact subsection 98a-2 and subsection 98a-5 of Section 98 of Carroll's Kentucky Statutes, same being an Act of the Kentucky Legislature at its 1918 session; regulating the qualifications and admission to practice law of applicants in the State of Kentucky.

H. B. 161. An Act to provide the judges of the Court of Appeals and Commissioners with permanent offices, etc.

By Mr. Evans of the Committee on Appropriations No. 1:

S. Res. 14. Resolution providing for additoinal employees of the Senate.

With a Committee Amendment thereto.

By Mr. Johnson of the Committee on Motor Transportation:

H. B. 111. An Act to amend and re-enact Section 2739g-94, Supplement to Carroll's Kentucky Statutes, 1933, relating to jurisdiction of offenses for the trial of violations of the Motor Vehicles law.

With the expression of opinion that said bills ought to pass.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Johnson of the Committee on Motor Transportation:

H. B. 124. An Act relating to the advancement of credit in the form of script for labor performed or to be performed.

(With a majority report and a minority report thereto).

Said majority report is as follows, viz.:

With the expression of opinion that said bill ought to pass.

Ben W. Johnson, Chairman
Roy Conway
John Mollett
Price Holbrook
Mell Petry
Robert Van Bever
Russell O'Neill

Said Minority report is as follows, viz.:

With the expression of opinion that said bill ought not to pass.

Ray O. Shehan
Marion T. McCarthy

Mr. Shehan moved that the Minority report be substituted for the report of the Majority.

Mr. Myers moved that the consideration of the Minority report be made a Special Order for to-morrow at eleven o'clock A. M.

Said motion was agreed to.

Mr. Myers moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

Dr. Shields moved that the House do now recess until one-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

AFTERNOON SESSION

The hour of one-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

A message was received from the Senate, announcing that they had passed a resolution which originated in this House, entitled:

H. Res. 9. Resolution providing for a contingent fund for the Clerk of the House and the Clerk of the Senate.

Ordered that said resolution be delivered to the Enrolling Clerk of this House.

And that they had passed bills which originated in the Senate entitled:

S. B. 45. An Act amending Section 577, Kentucky Statutes.

S. B. 39. An Act pertaining to the retirement of teachers in common schools.

S. B. 7. An Act to repeal Section 3745, Kentucky Statutes, entitled "Officers not eligible to seat in Legislature."

S. B. 4. An Act to promote the objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions and trustees and other fiduciaries to make loans, etc.

Ordered that said bills be printed and referred as follows:

S. B. 45. To Committee on Banks and Banking.

S. B. 7. To Committee on Kentucky Statutes No. 1.

S. B. 4. To Committee on Banks and Banking.

S. B. 39. To Committee on Education No. 1.

The hour of two o'clock P. M., having arrived, that being the hour for the Special Order of the Day, to-wit: a bill entitled:

S. B. 3. An Act relating to primary elections.

The House took up for consideration said bill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each and every political party, except as hereinafter provided, shall nominate all of its candidates for elective offices to be voted for in the general elections in a primary election to be held at the time and in the manner provided by law. No governing authority of any political party shall have the power to nominate any candidate for any elective office in this Commonwealth or to provide any other means or method of nominating candidates for any elective office other than by primary elections as provided in this Act.

§ 2. Any qualified elector who is a member of a political party within the meaning of this Act, and who has affiliated with and supported the nominees of the party at the last general election at whose hands he seeks the nomination, shall have his name printed on the official ballot of his party for an office to which he is eligible in any primary election held under the provisions of this Act and/or the provisions of the general primary election laws of this State upon filing with the proper officer at the proper time a notification and declaration and in the manner and form now prescribed by law. The Secretary of State shall have no power or authority to print or cause or permit to be printed upon the ballots for

any general election the name or names of any candidate or candidates as the nominee or nominees of any political party or parties, as the term "political party" is defined in Section 1550-5, Carroll's Kentucky Statutes, 1930 Edition, or the name or names of any candidate or candidates under the emblem of any political party or parties for any of the offices hereinabove referred to, except the names of such candidates as shall have been duly and regularly nominated at a primary election held as provided in this Act.

§ 3. Nothing in this Act shall be construed to prevent any political organization or party, not constituting a political party within the definition embraced in Section 1550-5, Kentucky Statutes, Carroll's 1930 Edition, from making their nominations for any of the offices mentioned in this Act as they are now permitted by law to make same.

§ 4. Hereafter all candidates for elective offices to be voted for at any general election shall be nominated by a primary held in accordance with the provisions of this Act. Provided that if a vacancy occurs after any such nomination, by death or otherwise, the governing authority of such party may provide for filing such vacancy or vacancies and the making of such nominations, and when such nominations have been so made the certificates of nomination shall be signed by the chairman and secretary of the governing authority of the party making same and shall be filed in the same manner as certificates of nomination at a primary election. The provisions of this act shall not apply to candidates for trustees of common schools or members of school boards nor to trustees in towns of the fifth and sixth classes nor to candidates for presidential electors, but such candidates for such offices shall be nominated and have their nominations certified as now, or may be hereafter provided by law.

§ 5. In any primary election the candidate receiving the highest number of votes for the particular office for which he is a candidate shall be the nominee of his party for that office and shall receive the certificate of nomination.

§ 6. All acts and parts of acts in conflict herewith, to the extent of such conflict, hereby are repealed. Chapter 1 of the Acts of the Extra-ordinary Session of the General Assembly of Kentucky of 1935, being Sections 1549a-2 to 1550-1b, Kentucky Statutes, Baldwin's 1935 Kentucky Statutes Service, hereby is expressly repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Sam Dever	Clyde S. Howard
Henry H. Allen	Stanley S. Dickson	Ira W. Hulette
C. W. Anderson, Jr.	George W. Dunlap	John M. Hunnicut
H. T. Baker	Howard G. Early	Ben W. Johnson
G. M. Ballard	Garland Embry	J. H. Jones
B. F. Bedford	Clarence E. Evans	O. C. Jones
Reuben J. Boling	Walter R. Fannin	R. T. Kirkman
Douglas Bolling	Chas. P. Farnsley	J. F. Ladd
Ollie J. Bowen	T. P. Fitzpatrick	Leslie Larrimore
Wallace Brown	H. Myer Garner	Robert E. Lee
Dr. R. A. Byers	James Garnett, Jr.	M. T. McCarthy
Jas. C. Carter	G. W. Garrett	T. B. McConnell
V. O. Chandler	Ferd A. Gnau	J. L. McDermott
Floyd Clark	Eugene Gough	W. F. McGary
Roscoe Claxon	Ben Grogan	Elmer McGlothen
George S. Clay	Jas. T. Hamilton	John Marshall
J. A. Coleman	C. L. Hammons	C. S. Matherly
Roy Conway	W. L. Hampton, Jr.	D. T. Matlack
Herbert Cook	Thomas W. Hines	Duke Mayfield
Harry Davis	Price Holbrook	G. S. Milam

John B. Mollett	Wade H. Riley	H. C. Steely
W. E. Mull	Joe E. Robinson	Henry Stewart
Tyler Munford	John C. Robinson	Dr. H. S. Swope
Rodes K. Myers	W. T. Rollo	W. R. Tapp
J. C. Nickell	A. W. Ross	J. J. Thomas
Russell O'Neill	Carl Scheben	R. Van Bever, Jr.
Mel Petry	Carl Schneider	S. J. Wagner
A. W. Pfeiffer	Ray O. Shehan	Joseph L. Wall
J. C. Ramey	Dr. B. F. Shields	Henry Ward
Hobart Rayburn	P. L. Sidebottom	L. R. Wells
Harry C. Records	Chester D. Silvers	W. G. Williams
L. K. Rice	Bruce Sloan	Charles Wylie

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Resolved that the title thereof be as aforesaid.

Mr. Brown moved that said bill be known as the "Nickell-Shields Election Law".

Said motion was agreed to.

Dr. Shields moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

By unanimous consent, the Committees to which the same had been previously referred, reported bills of the following titles, viz.:

By Mr. Embry of the Committee on Claims:

H. Res. 17. A resolution authorizing R. E. Stanley to sue the Commonwealth of Kentucky and the State Highway Commission.

H. Res. 12. Resolution authorizing Bud Philpot to sue the Commonwealth.

H. Res. 24. Resolution authorizing D. G. Young to sue the Commonwealth and State Highway Commission.

H. Res. 18. Resolution authorizing the personal representative of Winfred Hoover to sue the Commonwealth.

H. Res. 8. Resolution authorizing Francis Phelps to sue the Commonwealth.

H. Res. 23. Resolution authorizing Reverend J. L. Madison to sue the Commonwealth.

H. Res. 20. Resolution authorizing Carl Wright administrator of estate of Otis Wright to sue the Commonwealth.

H. Res. 16. Resolution authorizing R. A. Bodkin and W. H. Coathes to sue the Commonwealth.

By Mr. McGary of the Committee on Education No. 1:

H. B. 106. An Act to amend and re-enact Section 4389, subsection 17 and 4399 and subsection 24, Baldwin's Revision of Carroll's Kentucky Statutes, providing for the election of Board members in county school districts.

By Mr. Matherly of the Committee on Judiciary:

H. B. 75. An Act relating to the appointment of deputy sheriffs by adding thereto provisions prohibiting compensation of sheriffs and deputy sheriffs by private persons, etc.

By Mr. Dunlap of the Committee on Kentucky Statutes No. 1:

H. B. 203. An Act exempting persons engaged in, connected with or employed on any newspaper from disclosing in any legal proceeding or trial before any Court, Grand Jury or Petit Jury, etc.

H. B. 236. An Act providing that the publication of a fair and impartial report or the publication of the whole or a fair synopsis of any bill, report, etc.

B. B. 130. An Act prohibiting the expenditures of public money on account of insurance against fire or tornado on state property, etc.

By Mr. Riley of the Committee on Municipalities:

H. B. 221. An Act to amend and re-enact Section 3713, Chapter 89a, Carroll's Kentucky Statutes, 1930 Edition, entitled "Municipal Corporations; Creation and Organization."

By Mr. Rice of the Committee on Public Health, No. 2:

H. B. 187. An Act relating to renewal of embalmers and undertakers license and the fees therefor.

By Mr. Douglas Bolling of the Committee on Veterans Legislation:

H. B. 147. An Act to amend Chapter 42, page 332 *et seq.* Acts of General Assembly, Regular Session, 1932, which Act is now Section 415b-6, Supplement to 1933, and relating to Confederate Soldeirs, etc.

With a Committee Amendment thereto by way of substitute therefor.

With the expression of opinion that said bills ought to pass.

By Mr. John C. Robinson of the Committee on Agriculture No. 1:

H. B. 43. An Act to amend Section 4114-b-1 and also to amend Section 4114-b-2 being part of Chapter 10 of the Acts

of the General Assembly of 1923, all relating to the notices of daily sales sold by tobacco warehouses and declaring an emergency.

By Mr. Scheben of the Committee on Ways and Means:

H. B. 65. An Act to amend and re-enact Section 68b-4, Kentucky Statutes, being Article 4 of Chapter 1 of the Acts of the 1930 General Assembly of Kentucky, relating to the licensing of dogs, etc.

With a Minority report thereto, with the expression of opinion that said bill ought to pass and signed as follows:

R. E. Lee
Sam Dever

With the expression of opinion that said bills ought not to pass.

No further action having been taken by the House and no motion made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, it was ordered that said bills be not read the first time.

And so said bills were rejected.

Mr. Garnett moved that the Rules of this House be suspended for the purpose of taking up for consideration from the Orders of the Day, a bill entitled:

H. B. 156. An Act relating to the fiscal courts composed of County Judge and County Commissioners, repealing and re-enacting Section 1850, Kentucky Statutes, Carroll's 1930 Edition.

Said motion was disagreed to, having failed to receive a majority necessary under the Rules of this House.

The yeas and nays being required thereon by Messrs. Garnett and Milam, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Eugene Gough	Russell O'Neill
Henry H. Allen	C. L. Hammons	Harry C. Records
C. W. Anderson, Jr.	Thomas W. Hines	L. K. Rice
H. T. Baker	Price Holbrook	Wade H. Riley
G. M. Ballard	John M. Hunnicut	W. T. Rollo
B. F. Bedford	J. H. Jones	Carl Scheben
Reuben J. Boling	J. F. Ladd	Carl Schneider
Dr. R. A. Byers	Leslie Larrimore	Ray O. Shehan
Jas. C. Carter	Robert E. Lee	H. C. Steely
V. O. Chandler	John Marshall	Henry Stewart
Herbert Cook	D. T. Matlack	Dr. H. S. Swope
Walter R. Fannin	G. S. Milam	W. R. Tapp
Chas. P. Farnsley	W. H. Miller	R. Van Bever, Jr.
H. Myer Garner	John B. Mollett	Henry Ward
James Garnett, Jr.	W. E. Mull	L. R. Wells
G. W. Garrett	Tyler Munford	
Ferd A. Gnau	Rodes K. Myers	

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Those who voted in the negative were—

Douglas Bolling	Ben Grogan	A. W. Pfeiffer
Ollie J. Bowen	Jas. T. Hamilton	J. C. Ramey
Wallace Brown	W. L. Hampton, Jr.	Hobart Rayburn
Floyd Clark	Clyde S. Howard	Joe E. Robinson
George S. Clay	Ira W. Hulette	John C. Robinson
J. A. Coleman	Ben W. Johnson	A. W. Ross
Roy Conway	O. C. Jones	Dr. B. F. Shields
Harry Davis	R. T. Kirkman	P. L. Sidebottom
Sam Dever	T. B. McConnell	Chester D. Silvers
Stanley S. Dickson	J. L. McDermott	S. J. Wagner
George W. Dunlap	W. F. McGary	Joseph L. Wall
Howard G. Early	Elmer McGlothen	Charles Wylie
Clarence E. Evans	C. S. Matherly	
T. P. Fitzpatrick	J. C. Nickell	

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The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 146. An Act to amend and re-enact subsections 5 and 9 of Section 1083-a of Carroll's Kentucky Statutes, relating to the administration of justice in courts of justice of the peace in counties having a population in excess of 250,000, etc.

H. B. 108. An Act to repeal and re-enact Section 2043-12, Supplement Carroll's Kentucky Statutes, 1930 Edition, the same being Section 12 of Chapter 68 of the Acts of the General Assembly of 1930 entitled "An Act concerning the manner of commitment of incompetent veterans of the World War."

S. B. 8. An Act amending so much of Section 965, Kentucky Statutes, Carroll's 1930 Edition, as relates to the 28th Judicial District, etc.

H. B. 58. An Act to amend and re-enact Section 3187 of Carroll's Kentucky Statutes, 1930 Edition, relating to the sale of real estate for taxes, for cities of the second class.

H. B. 155. An Act relating to the primary system of Roads and Highways.

H. B. 183. An Act providing that all State Buildings shall be let to the lowest and best bidder, after due advertisement for sealed bids, etc.

H. B. 174. An Act to provide for the certification of property assessment in annexed territory to the annexing authority; to provide for the equalization of such assessment and levy of tax thereon by the annexing authority.

H. B. 83. An Act pertaining to cities of the second class.

H. B. 84. An Act pertaining to cities of the second class.

H. B. 222. An Act relating to revenue and taxation and repealing Chapter 148 of the Acts of the General Assembly of 1934, etc.

H. B. 186. An Act making it unlawful for any person or persons to loaf or loiter in any church or school building or upon the grounds for any purpose other than those authorized by the governing body of said church or school, etc.

H. B. 148. An Act to provide state aid for education in certain courses of study of state students in schools outside of the state for whom no such courses are provided at educational institutions within the Commonwealth.

With a Committee Amendment thereto by way of Substitute therefor.

H. B. 118. An Act repealing and re-enacting Sections 528, 533, 536 of the Kentucky Statutes, Carroll's Edition of 1930 regulating and defining the duties of coroners, etc.

H. B. 41. An Act providing for the appointment of an Ohio river pollution Commission and detailing its functions and appropriating funds for its purposes.

H. B. 3. An Act to amend and re-enact the title and Section 1 of an Act of the General Assembly which was adopted at its regular session in 1932, and entitled "An Act enabling cities of the third class to acquire, construct, operate and maintain electric light, heat and power plants, etc."

H. B. 4. An Act to amend and re-enact Section 1 of an Act providing for the renewal of franchises of public utilities in cities of the 2nd, 3rd, 4th, 5th and 6th classes.

H. B. 57. An Act relating to the embezzlement, conversion, misappropriation and/or misapplication of the sinking fund in cities of the second class in the Commonwealth of Kentucky.

H. B. 177. An Act to amend Section 1 of Chapter 87 of an Act entitled "An Act to authorize the incorporation of Chambers of Commerce, etc.

H. B. 25. An Act relating to the primary system of roads and highways.

H. B. 28. An Act relating to the primary system of roads and highways.

H. B. 29. An Act relating to the primary system of roads and highways.

H. B. 47. An Act relating to the primary system of roads and highways.

H. B. 53. An Act relating to the primary system of roads and highways.

H. B. 61. An Act relating to the primary system of roads and highways.

H. B. 63. An Act relating to the primary system of roads and highways.

H. B. 66. An Act relating to the primary system of roads and highways.

H. B. 67. An Act relating to the primary system of roads and highways.

H. B. 76. An Act relating to the primary system of roads and highways.

H. B. 80. An Act relating to the primary system of roads and highways.

H. B. 81. An Act relating to the primary system of roads and highways.

H. B. 82. An Act relating to the primary system of roads and highways.

H. B. 85. An Act relating to the primary system of roads and highways.

H. B. 86. An Act relating to the primary system of roads and highways.

H. B. 87. An Act relating to the primary system of roads and highways.

H. B. 88. An Act relating to the primary system of roads and highways.

H. B. 89. An Act relating to the primary system of roads and highways.

H. B. 92. An Act relating to the primary system of roads and highways.

H. B. 93. An Act relating to the primary system of roads and highways.

H. B. 94. An Act relating to the primary system of roads and highways.

H. B. 97. An Act relating to the primary system of roads and highways.

H. B. 98. An Act relating to the primary system of roads and highways.

H. B. 99. An Act relating to the primary system of roads and highways.

H. B. 100. An Act relating to the primary system of roads and highways.

H. B. 102. An Act relating to the primary system of roads and highways.

H. B. 103. An Act relating to the primary system of roads and highways.

H. B. 104. An Act relating to the primary system of roads and highways.

H. B. 112. An Act relating to the primary system of roads and highways.

H. B. 123. An Act relating to the primary system of roads and highways.

H. B. 125. An Act relating to the primary system of roads and highways.

H. B. 126. An Act relating to the primary system of roads and highways.

H. B. 127. An Act relating to the primary system of roads and highways.

H. B. 131. An Act relating to the primary system of roads and highways.

H. B. 132. An Act relating to the primary system of roads and highways.

H. B. 134. An Act relating to the primary system of roads and highways.

H. B. 133. An Act relating to the primary system of roads and highways.

H. B. 135. An Act relating to the primary system of roads and highways.

H. B. 136. An Act relating to the primary system of roads and highways.

H. B. 138. An Act relating to the primary system of roads and highways.

H. B. 139. An Act relating to the primary system of roads and highways.

H. B. 143. An Act relating to the primary system of roads and highways.

H. B. 145. An Act relating to the primary system of roads and highways.

H. B. 151. An Act relating to the primary system of roads and highways.

H. B. 154. An Act relating to the primary system of roads and highways.

H. B. 155. An Act relating to the primary system of roads and highways.

H. B. 157. An Act relating to the primary system of roads and highways.

H. B. 170. An Act relating to the primary system of roads and highways.

H. B. 178. An Act relating to the primary system of roads and highways.

H. B. 179. An Act relating to the primary system of roads and highways.

H. B. 180. An Act relating to the primary system of roads and highways.

H. B. 181. An Act relating to the primary system of roads and highways.

H. B. 182. An Act relating to the primary system of roads and highways.

H. B. 191. An Act relating to the primary system of roads and highways.

H. B. 192. An Act relating to the primary system of roads and highways.

H. B. 193. An Act relating to the primary system of roads and highways.

H. B. 194. An Act relating to the primary system of roads and highways.

H. B. 77. An Act to amend Section 1482, Carroll's Revised Kentucky Statutes, 1933 Supplement Edition, being part of the Acts of the General Assembly of 1932 Regular Session relating to primary and general elections.

With a Committee Amendment thereto.

H. B. 69. An Act to amend and re-enact Section 1596-a-14 of Carroll's Kentucky Statutes 1930, relating to the compensation of county election commissioners.

H. B. 38. An Act to invest in the county judge the right to suspend a sentence against one convicted for misdemeanor for not exceeding six months.

H. B. 198. An Act to amend and re-enact Section 4527-44, Baldwin's Revision of Carroll's Kentucky Statutes, being Chapter 65, page 334 of the Acts of 1934, providing for powers of regulation of Boards of Regents in governing teachers colleges.

H. Res. 19. Resolution authorizing Joe Sparrow to sue the Commonwealth.

H. Res. 15. Resolution authorizing Boone Dick to sue the Commonwealth.

H. B. 116. An Act authorizing fiscal courts in counties having one or more cities of the second class to appropriate county funds for the aid and benefit of dependent children.

H. B. 129. An Act to create a committee of four to be appointed by the president of the State Bar Association to authorize the revision and republication of the Kentucky Statutes.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles, only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 13. Resolution authorizing F. E. Gross and Mrs. F. E. Gross to sue the Commonwealth of Kentucky and the State Highway Commission or either.

Said resolution is as follows, viz.:

WHEREAS, On the 28th day of August, 1935, Mrs. F. E. Gross of Frankfort, Franklin County, Kentucky, was injured and a car belonging to her husband F. E. Gross was damaged on Broadway, Frankfort, Kentucky, in an automobile accident wherein it is claimed that the accident occurred in a collision with a truck operated by employees of the Kentucky State Highway Commission and was caused by the negligence of said employees of the Kentucky State Highway Commission. Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That F. E. Gross and Mrs. F. E. Gross be and they are hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission or either, in the Franklin Circuit Court for damages arising from the negligence of employees of the Kentucky State Highway Department. Said suit shall be for any amount not exceeding the sum of \$1,000.00 dollars, and in the event any judgment is recovered by said F. E. Gross or Mrs. F. E. Gross in said action or same is compromised or settled, same shall be paid by the Auditor of Public Accounts, by warrant, drawn on the State Treasury, and paid out of the general fund.

Section 2. Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted, with the consent and approval of the Attorney General of Kentucky, in the same way as any other civil case.

Ordered that said resolution be read the third time.

The Constitution provision as to the third reading of said resolution at length being dispensed with said resolution was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	James Garnett, Jr.	J. C. Nickell
Henry H. Allen	Eugene Gough	Russell O'Neill
C. W. Anderson, Jr.	Jas. T. Hamilton	Mel Petry
H. T. Baker	C. L. Hammons	A. W. Pfeiffer
G. M. Ballard	W. L. Hampton, Jr.	J. C. Ramey
B. F. Bedford	Thomas W. Hines	Hobart Rayburn
Reuben J. Boling	Price Holbrook	Harry C. Records
Douglas Bolling	Clyde S. Howard	L. K. Rice
Ollie J. Bowen	Ira W. Hulette	Wade H. Riley
Wallace Brown	John M. Hunnicut	Joe E. Robinson
Dr. R. A. Byers	Ben W. Johnson	John C. Robinson
V. O. Chandler	J. H. Jones	W. T. Rollo
Floyd Clark	O. C. Jones	A. W. Ross
Roscoe Claxon	R. T. Kirkman	Carl Scheben
George S. Clay	J. F. Ladd	Carl Schneider
J. A. Coleman	Leslie Larrimore	Ray O. Shehan
Roy Conway	Robert E. Lee	Dr. B. F. Shields
Herbert Cook	M. T. McCarthy	P. L. Sidebottom
Harry Davis	T. B. McConnell	Chester D. Silvers
Sam Dever	W. F. McGary	Bruce Sloan
Stanley S. Dickson	Elmer McGlothen	H. C. Steely
George W. Dunlap	C. S. Matherly	Henry Stewart
Howard G. Early	D. T. Matlack	Dr. H. S. Swope
Garland Embry	Duke Mayfield	S. J. Wagner
Clarence E. Evans	John B. Mollett	Joseph L. Wall
Walter R. Fannin	W. H. Miller	Henry Ward
Chas. P. Farnsley	W. E. Mull	L. R. Wells
T. P. Fitzpatrick	Tyler Munford	W. G. Williams
G. W. Garrett	Rodes K. Myers	Charles Wylie

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Resolved that the title thereof be as aforesaid.

Mr. Hulette moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Davis moved that the vote by which a bill entitled:

H. B. 34. An Act to repeal, amend and re-enact Section 1938a-5, Carroll's Kentucky Statutes, pertaining and fixing the time for hunting rabbits.

With a Committee Amendment thereto.

Was passed on yesterday, be reconsidered for the purpose of the adoption or rejection of the amendment as offered by the committee.

Said motion was agreed to.

Mr. Milam moved that a bill entitled:

H. B. 156. (For title see Journal of today ante) be made a Special Order of the Day for three-thirty o'clock.

Said motion was disagreed to, having failed to receive a majority necessary under the Rules of this House.

The yeas and nays being required thereon by Messrs. Milam and Gnau, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Walter R. Fannin	J. H. Jones
Henry H. Allen	Chas. P. Farnsley	R. T. Kirkman
C. W. Anderson, Jr.	H. Myer Garner	J. F. Ladd
H. T. Baker	G. W. Garrett	Leslie Larrimore
G. M. Ballard	James Garnett, Jr.	Robert E. Lee
Reuben J. Boling	Ferd A. Gnau	John Marshall
Dr. R. A. Byers	Jas. T. Hamilton	D. T. Matlack
Jas. C. Carter	C. L. Hammons	G. S. Milam
V. O. Chandler	Thomas W. Hines	W. H. Miller
Roscoe Claxon	Price Holbrook	W. E. Mull
Herbert Cook	John M. Hunnicut	Tyler Munford

Russell O'Neill	Carl Scheben	Dr. H. S. Swope
Harry C. Records	Carl Schneider	R. Van Bever, Jr.
L. K. Rice	Ray O. Shehan	Henry Ward
Wade H. Riley	H. C. Steely	L. R. Wells
W. T. Rollo	Henry Stewart	W. G. Williams

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Those who voted in the negative were—

B. F. Bedford	Ben Grogan	J. C. Ramey
Douglas Bolling	Eugene Gough	Hobart Rayburn
Ollie J. Bowen	W. L. Hampton, Jr.	Joe E. Robinson
Wallace Brown	Clyde S. Howard	John C. Robinson
Floyd Clark	Ira W. Hulette	A. W. Ross
George S. Clay	Ben W. Johnson	Dr. B. F. Shields
J. A. Coleman	O. C. Jones	P. L. Sidebottom
Roy Conway	T. B. McConnell	Chester D. Silvers
Harry Davis	J. L. McDermott	Bruce Sloan
Sam Dever	W. F. McGary	W. R. Tapp
Stanley S. Dickson	Elmer McGlothen	S. J. Wagner
George W. Dunlap	C. S. Matherly	Joseph L. Wall
Howard G. Early	John B. Mollett	Charles Wylie
Clarence E. Evans	J. C. Nickell	
T. P. Fitzpatrick	A. W. Pfeiffer	

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Dr. Shields moved that the House do now adjourn.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Gnau and Milam, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Roscoe Claxon	Stanley S. Dickson
Douglas Bolling	George S. Clay	George W. Dunlap
Ollie J. Bowen	J. A. Coleman	Howard G. Early
Wallace Brown	Roy Conway	Clarence E. Evans
Dr. R. A. Byers	Herbert Cook	T. P. Fitzpatrick
Floyd Clark	Sam Dever	Eugene Gough

Ben Grogan	C. S. Matherly	Dr. B. F. Shields
W. L. Hampton, Jr.	John B. Mollett	P. L. Sidebottom
Clyde S. Howard	Rodes K. Myers	Bruce Sloan
Ira W. Hulette	J. C. Nickell	Dr. H. S. Swope
Ben W. Johnson	Mel Petry	W. R. Tapp
O. C. Jones	A. W. Pfeiffer	S. J. Wagner
R. T. Kirkman	J. C. Ramey	Joseph L. Wall
T. B. McConnell	Hobart Rayburn	W. G. Williams
J. L. McDermott	Joe E. Robinson	Charles Wylie
W. F. McGary	John C. Robinson	
Elmer McGlothen	A. W. Ross	

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Those who voted in the negative were—

Henry H. Allen	Jas. T. Hamilton	Russell O'Neill
C. W. Anderson, Jr.	Thomas W. Hines	Harry C. Records
H. T. Baker	Price Holbrook	L. K. Rice
G. M. Ballard	John M. Hunnicut	W. T. Rollo
Reuben J. Boling	J. H. Jones	Carl Scheben
Jas. C. Carter	Leslie Larrimore	Carl Schneider
V. O. Chandler	Robert E. Lee	Ray O. Shehan
Walter R. Fannin	M. T. McCarthy	H. C. Steely
Chas. P. Farnsley	D. T. Matlack	Henry Stewart
H. Myer Garner	G. S. Milam	R. Van Bever, Jr.
G. W. Garrett	W. H. Miller	L. R. Wells
James Garnett, Jr.	W. E. Mull	
Ferd A. Gnau	Tyler Munford	

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And then the House adjourned.

FRIDAY, JANUARY 24, 1936.

The House was opened with prayer by the Reverend Father O'Dwyer of the Roman Catholic Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

F. T. Allen	Ferd A. Gnau	J. C. Nickell
Henry H. Allen	Eugene Gough	Russell O'Neill
C. W. Anderson, Jr.	Ben Grogan	Mel Petry
H. T. Baker	Jas. T. Hamilton	A. W. Pfeiffer
W. T. Baker	C. L. Hammons	J. C. Ramey
G. M. Ballard	W. L. Hampton, Jr.	Hobart Rayburn
B. F. Bedford	Thomas W. Hines	Harry C. Records
Reuben J. Boling	Price Holbrook	L. K. Rice
Douglas Bolling	Clyde S. Howard	Wade H. Riley
Ollie J. Bowen	Ira W. Hulette	Joe E. Robinson
Wallace Brown	John M. Hunnicut	John C. Robinson
Dr. R. A. Byers	Ben W. Johnson	W. T. Rollo
Jas. C. Carter	J. H. Jones	A. W. Ross
V. O. Chandler	O. C. Jones	Carl Scheben
Floyd Clark	R. T. Kirkman	Carl Schneider
Roscoe Claxon	J. F. Ladd	Ray O. Shehan
George S. Clay	Leslie Larrimore	Dr. B. F. Shields
J. A. Coleman	Robert E. Lee	P. L. Sidebottom
Roy Conway	M. T. McCarthy	Chester D. Silvers
Herbert Cook	T. B. McConnell	Bruce Sloan
Harry Davis	J. L. McDermott	H. C. Steely
Sam Dever	Lloyd MacDonald	Henry Stewart
Stanley S. Dickson	W. F. McGary	Dr. H. S. Swope
George W. Dunlap	Elmer McGlothen	W. R. Tapp
Howard G. Early	John Marshall	R. Van Bever, Jr.
Garland Embry	C. S. Matherly	S. J. Wagner
Clarence E. Evans	Duke Mayfield	Joseph L. Wall
Walter R. Fannin	G. S. Milam	Henry Ward
Chas. P. Farnsley	W. H. Miller	L. R. Wells
T. P. Fitzpatrick	John B. Mollett	W. G. Williams
H. Myer Garner	W. E. Mull	Charles Wylie
G. W. Garrett	Tyler Munford	Mr. Speaker
James Garnett, Jr.	Rodes K. Myers	

Mr. Davis moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Ordered that a leave of absence be granted to Mr. Matlack.

Dr. Shields moved that the House do now recess for ten minutes.

Said motion was agreed to.

And then the House recessed.

The hour of eleven-twenty o'clock having arrived the Speaker resumed the chair and called the House to order.

Mr. Hammond moved that when the House adjourn today, it adjourn to meet again tomorrow at ten o'clock A. M.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Shields and Joe E. Robinson, were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Jas. T. Hamilton	Ray O. Shehan
G. M. Ballard	C. L. Hammons	P. L. Sidebottom
Reuben J. Boling	Thomas W. Hines	Chester D. Silvers
Jas. C. Carter	J. H. Jones	Bruce Sloan
J. A. Coleman	Leslie Larrimore	H. C. Steely
Harry Davis	Robert E. Lee	Henry Stewart
Sam Dever	M. T. McCarthy	Dr. H. S. Swope
Walter R. Fannin	Lloyd MacDonald	R. Van Bever, Jr.
Chas. P. Farnsley	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	W. H. Miller	Charles Wylie
G. W. Garrett	John B. Mollett	
James Garnett, Jr.	Hobart Rayburn	

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Those who voted in the negative were—

F. T. Allen	H. T. Baker	Douglas Bolling
Henry H. Allen	B. F. Bedford	Ollie J. Bowen

Wallace Brown	John M. Hunnicut	J. C. Ramey
Dr. R. A. Byers	Ben W. Johnson	Harry C. Records
Floyd Clark	O. C. Jones	L. K. Rice
Roy Conway	R. T. Kirkman	Wade H. Riley
Herbert Cook	J. F. Ladd	Joe E. Robinson
Stanley S. Dickson	T. B. McConnell	John C. Robinson
George W. Dunlap	J. L. McDermott	W. T. Rollo
Howard G. Early	W. F. McGary	A. W. Ross
Garland Embry	John Marshall	Carl Scheben
Clarence E. Evans	C. S. Matherly	Carl Schneider
T. P. Fitzpatrick	Duke Mayfield	Dr. B. F. Shields
Ferd A. Gnau	G. S. Milam	W. R. Tapp
Eugene Gough	W. E. Mull	S. J. Wagner
Ben Grogan	Tyler Munford	Henry Ward
W. L. Hampton, Jr.	Rodes K. Myers	L. R. Wells
Price Holbrook	J. C. Nickell	W. G. Williams
Clyde S. Howard	Mel Petry	
Ira W. Hulette	A. W. Pfeiffer	

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Mr. Gnau moved that when the House adjourned today, it adjourn to meet again on Monday, January 27, at one o'clock P. M.

Said motion was disagreed to.

The hour of eleven-thirty o'clock having arrived, that being the hour for the Special Order of the Day, a bill entitled:

H. B. 10. An Act reducing the State Tax on gasoline from five cents to four cents per gallon.

The House took up for immediate consideration said bill.

Dr. Shields moved that said bill be recommitted to the Committee on Kentucky Statutes number 1.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Milam and Gnau, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Eugene Gough	Mel Petry
W. T. Baker	Ben Grogan	A. W. Pfeiffer
B. F. Bedford	W. L. Hampton, Jr.	J. C. Ramey
Reuben J. Boling	Price Holbrook	Hobart Rayburn
Douglas Bolling	Clyde S. Howard	Harry C. Records
Ollie J. Bowen	Ira W. Hulette	L. K. Rice
Wallace Brown	John M. Hunnicut	Wade H. Riley
Floyd Clark	Ben W. Johnson	Joe E. Robinson
Roscoe Claxon	J. H. Jones	John C. Robinson
George S. Clay	O. C. Jones	A. W. Ross
J. A. Coleman	R. T. Kirkman	Carl Scheben
oy Conway	J. F. Ladd	Dr. B. F. Shields
Herbert Cook	M. T. McCarthy	P. L. Sidebottom
Sam Dever	T. B. McConnell	Chester D. Silvers
Stanley S. Dickson	J. L. McDermott	Bruce Sloan
George W. Dunlap	Lloyd MacDonald	Dr. H. S. Swope
Howard G. Early	W. F. McGary	W. R. Tapp
Garland Embry	Elmer McGlothen	S. J. Wagner
Clarence E. Evans	John Marshall	Joseph L. Wall
Walter R. Fannin	C. S. Matherly	Henry Ward
Chas. P. Farnsley	Duke Mayfield	L. R. Wells
T. P. Fitzpatrick	Rodes K. Myers	W. G. Williams
H. Myer Garner	J. C. Nickell	Charles Wylie
G. W. Garrett	Russell O'Neill	—71

Those who voted in the negative were—

Henry H. Allen	Jas. T. Hamilton	Tyler Munford
H. T. Baker	Thomas W. Hines	W. T. Rollo
G. M. Ballard	Robert E. Lee	Carl Schneider
Dr. R. A. Byers	G. S. Milam	H. C. Steely
Jas. C. Carter	W. H. Miller	Henry Stewart
James Garnett, Jr.	John B. Mollett	R. Van Bever, Jr.
Ferd A. Gnau	W. E. Mull	—20

Dr. Shields moved that the Rules of this House be suspended for the purpose of taking up for consideration, only, the subject matter of a bill entitled:

H. B. 156. An Act relating to the fiscal courts composed of the County Judge and County Commissioners, repealing and re-enacting Section 1850, Kentucky Statutes, 1930 Edition.

With a Committee Amendment thereto.

Said motion was agreed to.

Thereupon the House took up for consideration only the subject matter of said bill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1850 of Kentucky Statutes, Carroll's Edition, 1930, be and the same is hereby repealed and re-enacted, so that same, when thus re-enacted, shall read as follows, to-wit:

All the provisions of this article governing fiscal courts composed of the judge of the county court and justices of the peace shall be applicable to and govern fiscal courts, composed of three commissioners and the judge of the county court, except that when the county judge is unable to call a special session, and it is necessary that one be called, then two commissioners may call the same, if, in their opinion, the necessity exists therefor. Any vacancy occurring in the office of commissioner shall be filled in the same manner as vacancies in the offices of justices of the peace are filled. And whenever there shall be a tie vote in said Board of Commissioners upon the question of the election of any officer or employe to be elected or employed by said Commissioners, and a deadlock shall result and said tie vote or deadlock shall continue for a period of not less than fifteen (15) days, it shall thereupon be and become the duty of the county judge to cause to be entered upon the minutes of the Board of Com-

missioners, an order reciting the facts as to said deadlock or tie vote, and the question upon which the same has occurred and exists, and thereupon unless an election is immediately had by said board, it shall be and become the duty of the county judge to appoint such officer or employe and such appointee shall have all the qualifications required by law of such officer or employe, and shall hold his office for the full term provided by law, and until his successor is elected and qualified.

§ 2. Inasmuch as the Board of Commissioners consists of four members and tied votes and deadlocks will result, an emergency is hereby declared to exist and this act shall take effect from and after its approval by the Governor.

Mr. Carter moved the previous question.

Thereupon the Speaker announced "shall the main question be now put?"

Which-was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. T. Allen	Floyd Clark	George W. Dunlap
W. T. Baker	Roscoe Claxon	Garland Embry
B. F. Bedford	J. A. Coleman	Clarence E. Evans
Douglas Bolling	Harry Davis	H. Myer Garner
Ollie J. Bowen	Sam Dever	Eugene Gough
Wallace Brown	Stanley S. Dickson	Ben Grogan

W. L. Hampton, Jr.	John Marshall	Ray O. Shehan
Price Holbrook	C. S. Matherly	Dr. B. F. Shields
Clyde S. Howard	Duke Mayfield	P. L. Sidebottom
Ira W. Hulette	Rodes K. Myers	Chester D. Silvers
Ben W. Johnson	J. C. Nickell	Bruce Sloan
J. H. Jones	A. W. Pfeiffer	Dr. H. S. Swope
O. C. Jones	J. C. Ramey	W. R. Tapp
R. T. Kirkman	Hobart Bayburn	S. J. Wagner
J. F. Ladd	Harry C. Records	Joseph L. Wall
M. T. McCarthy	L. K. Rice	Henry Ward
T. B. McConnell	Joe E. Robinson	W. G. Williams
J. L. McDermott	John C. Robinson	Charles Wylie
W. F. McGary	A. W. Ross	
Elmer McGlothen	Carl Scheben	

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Those who voted in the negative were—

Henry H. Allen	T. P. Fitzpatrick	W. E. Mull
C. W. Anderson, Jr.	G. W. Garrett	Tyler Munford
H. T. Baker	James Garnett, Jr.	Russell O'Neill
G. M. Ballard	Ferd A. Gnau	Mel Petry
Reuben J. Boling	Jas. T. Hamilton	Wade H. Riley
Dr. R. A. Byers	C. L. Hammons	W. T. Rollo
Jas. C. Carter	Thomas W. Hines	Carl Schneider
George S. Clay	John M. Hunnicut	H. C. Steely
Herbert Cook	Leslie Larrimore	Henry Stewart
Howard G. Early	Robert E. Lee	R. Van Bever, Jr.
Walter R. Fannin	G. S. Milam	L. R. Wells
Chas. P. Farnsley	John B. Mollett	

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Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills and a resolution which originated in that body, entitled:

1. S. B. 71. An Act to make unlawful the fraudulent setting back or disconnecting or failure to connect or causing the fraudulent setting back or disconnecting or failure to connect speedometers on motor vehicles for the purpose of effecting a sale of such vehicles.

2. S. B. 107. An Act to amend and re-enact Section 4527-44, Baldwin's Revision of Carroll's Kentucky Statutes, being Chapter 65, page 334 of the Acts of 1934, providing for powers of regulation of Boards of Regents in governing teachers' colleges.

3. S. B. 60. An Act pertaining to cities of the second class.

4. S. Res. 16. A resolution providing for the payment of \$5,973.73 out of the General Expenditure Fund for the purpose of paying to The State Journal Company, its claim for printing, etc.

Ordered that said bills and resolutions be printed and referred as follows, viz.:

1. To Committee on Motor Transportation.
2. To Committee on Education No. 1.
3. To Committee on Kentucky Statutes No. 1.
4. To Committee on Appropriations No. 1.

Dr. Shields moved that the session of today be extended indefinitely.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced ordered to be printed and referred as follows, viz.:

By Mr. Bowen:

H. B. 344. An Act to amend and re-enact Section 4399-43 of Carroll's Kentucky Statutes, Baldwin's Edition, 1934 Supplement, relating to the bond and duties of depositories of school funds.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4399-43 of Carroll's Kentucky Statutes, Baldwin's Edition, 1934 Supplement, be amended and re-enacted so that when said section is amended and re-enacted it shall read as follows:

Each board of education shall appoint one or more banks or trust companies to serve as its depository. The depository or depositories selected by a board of education shall execute good and sufficient bond for the safekeeping of the board's funds to be approved by the local board of education and the State Board of Education. Said bond shall be guaranteed by at least five solvent personal sureties, the solvency of whom must exceed the amount of the bond, or by a surety company authorized to do business in the Commonwealth or through the execution of a collateral bond consistent with the general banking laws of the Commonwealth and the bonding laws applying to the safeguarding of state funds. The depository or depositories may be designated for a period not to exceed two years, and before entering upon their duties shall execute the bond required herein and shall agree with the board of education as to the rate of interest to be paid on average daily or average monthly balances. The penal sum of the depository bond shall be determined by the board of education in accordance with the rules and regulations of the State Board of Education. A board of education may enter into an agreement with its depository whereby the premium on a bond guaranteed by a surety company may be paid by either the

board of education or by the bank or trust company acting as depository. In case the board of education pays the premium on the depository bond, the depository shall allow the board of education not less than two per cent (2%) interest on its average daily or average monthly balances. The bond of the depository shall provide that the duties of the office shall be faithfully performed; that all funds deposited by the treasurer of the board of education or its tax collector or its duly authorized agent shall be held by the depository; that all funds so deposited by the treasurer or the tax collector or the board's duly authorized agent will be held for the board subject to its withdrawal at any time; that all funds so deposited will be paid over to such person or persons and in such manner as the board may direct; that full and complete accounts of all the board's funds will be kept; and that reports will be made to the board or its authorized agents upon request; and that all records relating to the transaction and duties of the office will be kept and turned over to the successor of its office along with all school funds in hand. The board of education may, at any time, require a due and proper audit of the depository's records of the funds of the board of education by a competent outside agent.

A board of education may designate as its depository the authorized and bonded depository of the governing authority of the territory which the school district embraces. In such cases, the bond of the depository shall be made to cover specifically the safekeeping of the school board's funds, and all conditions set out in this section shall be carried out. All depository bond forms shall be prepared by the Superintendent of Public Instruction and approved by the State Board of Education; Provided, however, that if the amount of school funds in each of said designated depositories does not exceed the amount guaranteed to each depositor by the Government of the United States, by act of Congress, the depository bond herein provided for shall not be required of such depository or depositories so long as said Government guarantee shall be

in effect; and provided further, that if the amount of school funds in each of said depositories exceeds the amount guaranteed to each depositor by the government of the United States said depository bond shall be required only on the excess of said amount.

By Mr. Van Bever:

H. B. 345. An Act relating to employment of relatives in State, County, City Municipal and other arms of government, listing the types of positions in which relatives may not be employed, and fixing the penalty for violation of this act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any executive, legislative, administrative or judicial officer to appoint or vote for the appointment of any person related to him by blood or marriage within the third degree, as follows:

Father, mother, uncle, aunt, grand-father, grand-mother, great grand-father, great grand-mother, brother, sister, nephew, niece, son, daughter, grand-son, grand-daughter, great grand-son, great grand-daughter to any part of the state, county, city, municipal or any other arm of government of which such legislative, executive, administrative or judicial officer is a member, when the salary, wages, pay or compensation of such appointee is paid out of the public funds or out of fees of such office.

§ 2. It shall be unlawful for any executive, legislative, administrative or judicial officer mentioned in the preceding section to draw or authorize the drawing of any warrant or authority for payment out of public funds of the salary, wages, pay or compensation of any such ineligible person; and it shall be unlawful for any legislative, executive, administrative or judicial officer to pay out of any public funds in

his custody or under his authority the salary, wages, pay or compensation of any such ineligible persons.

§ 3. It shall be unlawful for any executive, legislative, administrative or judicial officer to appoint and furnish employment for any person whose services are to be rendered under his direction and control, and paid out of public funds, and who is related by either blood or marriage within the third degree to any other executive, legislative, administrative or judicial officer when such appointment is made in part consideration that such other officer shall appoint and furnish employment to any one so related to the officer making such appointment.

§ 4. Any executive, legislative, administrative or judicial officer who shall violate any provision of this act shall be deemed guilty of a misdemeanor involving official misconduct and shall be punished by fine of not less than \$100.00 or more than \$1,000.00 and shall forfeit his office.

§ 5. Every person guilty of violating the provision of this act shall independently of or in addition to any criminal prosecution that may be instituted be removed from office according to the mode of trial, and removal prescribed in the constitution and laws of this state.

§ 6. The terms of this act shall apply to every arm of the state, county, city, municipal and other arms of state and local government supported in whole or in part by public funds or fees from said offices; and all persons elected or appointed to positions under each arm of the state, county, city, municipal and other arms of the government supported in whole or in part by public funds or fees from said offices.

§ 7. No part of this Act shall apply to persons in the employment of any arm of the state, county, city, municipal or other form of local government at the time this act goes into effect, and said persons so employed shall serve out their period of employment.

By Mr. Miller:

H. B. 346. An Act to repeal and re-enact Sections 331e-5 and 331e-7, Kentucky Statutes, Carroll's 1930 Edition, relating to trial, disposition and care of child, so when amended will read as follows:

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When any child within the provisions of this Act is arrested with or without a warrant, it shall, instead of being taken before a justice of the peace or police magistrate, be taken directly before the county court, or if it shall be taken before a justice of the peace or police magistrate upon warrant sworn out in such court, or for any other reason, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such county court, and it shall be the duty of the officer having such child in charge to take the child before said county court; and, in any case the court may proceed to hear and dispose of such case in the same manner as if the child had been brought before the court upon petition as herein provided. In any case the court shall require notice to be given and investigation to be made as in other cases under this Act, and may adjourn the hearing from time to time for that purpose.

In any proceeding or prosecution hereunder against a boy under seventeen years of age or a girl under eighteen years of age, if the charge pending before the judge be either a misdemeanor or a felony, it shall be the duty of the judge of the juvenile court at any stage in the proceeding or prosecution to suspend the same, and if practically possible, parole such infant to any proper person consenting in open court to assume the custody, control and education of such juvenile until the juvenile arrives at the age of twenty-one years, subject to the orders of the court. •

In every case where the juvenile is so paroled, it shall be the duty of the fiscal court on presentation to it of the order

of the county court committing the juvenile to the care, and custody of such individual, to pay out of the general funds of the county not exceeding One Hundred (\$100.00) Dollars per annum for the maintenance and support of such juvenile; the money to be paid on a monthly basis to the person accepting the custody and control of the juvenile, so long as the juvenile remains in his or her custody under the orders of the county court;

Or if no proper person consents in open court to assume the custody, control and education of such juvenile the court may commit such child to the detention school provided herein or to the house of reform for girls, if a girl, or to the house of reform for boys, if a boy; or to any institution that has been or may be provided by the state, county or city for the care of delinquent children, or to any association that will receive it, embracing in its objects the care of neglected, dependent or delinquent children. In no case shall a child brought before the court under the provisions of this Act be committed beyond the age of twenty-one years. Any institution or association receiving such child shall train and educate it, subject to the rules and laws that may be in force from time to time governing such institution or association, and the governing board shall have the power, with the approval of the county court to release such child on such conditions as it may prescribe; and the court shall on the recommendation of the board, have the power to order the release of such child from custody whenever in the judgment of the court his or her reform is complete, provided that any child committed to any such institution or association as hereinafter provided, upon being released may be placed on probation to a probation officer for such time as in the judgment of the probation officer and the court shall be necessary for the welfare of the child;

Or the court may in its discretion in any case of a delinquent child brought before it as herein provided, permit such child to be proceeded against in accordance with the laws that may be in force in this state governing the commission of

crimes, and in such case, the petition if any, filed under this Act shall be dismissed and the child shall be transferred to the court having jurisdiction of the offense.

All other laws or parts of laws in conflict herewith, are hereby repealed.

By Mr. Miller:

H. B. 347. An Act to repeal, amend and re-enact subsection One of Section 2095b-13, Kentucky Statutes, Carroll's 1930 Edition, relating to trials of juveniles, so that the same when amended shall read as follows:

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever a juvenile court or county court shall under the statutes confer jurisdiction on the circuit court in any proceeding or prosecution against a boy under seventeen years of age, or a girl under eighteen years of age, the circuit judge may in his discretion at any stage of the proceeding or prosecution in the circuit court, either before indictment or after indictment, or before conviction or after conviction arrest such proceeding or prosecution, and if practically possible parole such juvenile to any proper person consenting in open court to assume the custody and control and education of the juvenile, until the juvenile arrives at the age of 21 years, subject to the orders of the court.

In every such case it shall be the duty of the fiscal court, on presentation to it of the order of the circuit court committing the juvenile to the care and custody of such individual, to pay out of the general funds of the county not exceeding One Hundred (\$100.00) Dollars per year for the maintenance, and support of such juvenile; the money to be paid on a monthly basis to the person accepting the custody and control of the

juvenile, so long as the juvenile remains in his or her custody under the orders of the circuit court.

This Act shall not be considered as repealing subdivisions 2 or 3 of Section 2095b-13, Kentucky Statutes, Carroll's 1930 Edition.

All other laws or parts of laws in conflict herewith are hereby repealed.

By Mr. Miller:

H. B. 348. An Act to repeal, amend and re-enact section 979, Kentucky Statutes, Carroll's 1930 Edition, relating to exclusion of infants from room during trial of certain cases.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) It shall be the duty of all trial judges, and judges holding examining trials to exclude from the room where and during the time such trial or examination is being held, all infants under the age eighteen (18) years, in the following classes of cases:

(A) In all criminal trials or examinations of any kind or character.

(B) In all civil trials for slander, seduction, breach of promise, of marriage, support of a bastard child, or in any other civil or quasi-criminal case in which, in the discretion of the trial judge, it would be to the better interest or welfare of a child under eighteen years of age to not hear the testimony, evidence or arguments in such case.

(2) This Act shall not apply to cases, trials or examinations where the presence of the infant is necessary as a witness for either party, plaintiff or defendant.

(3) It shall be the duty of all sheriffs and deputy sheriffs to see to the complete and strict enforcement of this act.

All acts or parts of acts in conflict herewith are hereby repealed.

By Dr. Swope:

H. B. 349. An Act relating to containers used in trade and repealing sections 1279, 1279a-2, 1279a-3, 1279a-4, 1279a-5, and 1279a-6 of Carroll's Kentucky Statutes, 1930.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 1279, 1279a-2, 1279a-3, 1279a-4, 1279a-5 and 1279a-6 of Carroll's Kentucky Statutes, 1930, be and the same are hereby repealed.

§ 2. Any and all persons and corporations engaged in manufacturing, bottling or selling soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, buttermilk, flavored milk, cottage cheese, ice cream, small beer, lager beer, weiss beer, white beer or other beverages or medicines, medical preparations, perfumery, oils, compounds, or mixtures in bottles, jars, cans, cases, siphons, tins or kegs, with his, her its or their name or names, or other marks or devices branded, stamped, engraved, or etched, or blown, impressed, or otherwise produced on such bottles, jars, cans, cases, siphons, tins or kegs, or the boxes used by him, her, it or them, may file in the office of the clerk of the county in which his, her, its or their principal place of business is situated, or if such person, or persons, corporation or corporations shall manufacture and bottle any of said products out of this state, then in any county in this state, and also in the office of the secretary of state, a description of the name or names, marks or devices so used by him, her, it or them, respectively, and cause such description to be printed once in each week for three weeks successively, in a newspaper pub-

lished in the county in which said notice may have been filed as aforesaid.

§ 3. It is hereby declared to be unlawful for any person or persons, corporation or corporations, to fill with soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, buttermilk, flavored milk, cottage cheese, ice cream, beer, small beer lager beer, weiss beer, white beer, or other beverages, or with medicines or medical preparations, perfumery, oils, compounds, or mixtures, any bottle, jar, can, case, box siphon, tin or keg so marked or distinguished as aforesaid, with or by any name, mark, or device, of which a description shall have been filed and published, as provided above, or to deface, erase, obliterate, cover up or otherwise remove or conceal, any such name, mark or device thereon, or to sell, buy, give, take or otherwise dispose of or traffic in the same without the written consent of, or unless the same shall have been purchased, by such person or corporation, exclusive of the contents thereof, from, the person or persons, corporation or corporations, whose mark or devise shall be or shall have been in or upon the bottle, jar, can, case, box, siphon, tin or keg so filled, trafficked in, used, or handled as aforesaid. Any person or persons, or corporation or corporations, offending against the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished for the first offense by imprisonment, not less than ten days nor more than one year, or by a fine of fifty cents for each and every such bottle, jar, can, case, box, siphon, tin or keg so filled, sold, used, disposed of, given, taken, bought or trafficked in, or by both such fine and imprisonment, and for each subsequent offense by imprisonment, not less than twenty days nor more than one year, or by fine of not less than one dollar, nor more than five dollars, for each and every bottle, jar, can, case, box, siphon, tin or keg so filled, sold; used, disposed of, given, taken, bought or trafficked in, or by both such fine and imprisonment; in the discretion of the magistrate before whom the offense shall be tried.

§ 4. The use by any person other than the person or persons, corporation or corporations, whose device, name or mark shall be, or shall have been, upon the same without such written consent or purchase as aforesaid, of any such marked or distinguished bottle, jar, can, case, box, siphon, tin or keg, a description of the name, mark or device whereon shall have been filed and published as herein provided, for the sale therein of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, buttermilk, flavored milk, cottage cheese, ice cream, beer, small beer, lager beer, weiss beer, white beer, or other beverages, or any article of merchandise, medicines, medical preparations, perfumery, oils, compounds, mixtures or preparations, or for the furnishing of such or similar beverages to customers, or the buying, selling, using for any purpose, disposing of or trafficking in any such bottle, jar, can, case, box, siphon, tin or keg, by any person other than said persons or corporations having a name, mark or device thereon, without such written consent of the owner, or the having by any junk dealer or dealers in second-hand articles, vendor of bottles, rags, or collectors of or dealers in articles found in ashes, garbage, or other refuse, whether at the public dumps or elsewhere, possession of any such bottles, jars, cans, cases, boxes, siphons, tins or kegs, whether whole or broken, a description of the marks, names or devices, whereon shall have been so filed and published as aforesaid, without such written consent, shall, and is hereby declared to be, presumptive evidence of the said unlawful use, purchase and traffic in of such bottles, jars, cans, cases, boxes, siphons, tins or kegs.

§ 5. Whenever any person, persons or corporation, who shall have so filed and published as aforesaid, or his, her, its or their agent shall make oath before any magistrate that he, she, or it, has reason to believe and does believe, that any of his, her, its or their bottles, jars, cans, cases, boxes, siphons, tins or kegs, a description of the names, marks or devices whereon has been filed and published as aforesaid, are being

unlawfully used or filled, or had by any person or corporation manufacturing or selling soda, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, buttermilk, flavored milk, cottage cheese ice cream small beer lager beer, weiss beer, white beer, or other beverages or medicine, medical preparations, perfumery, oils, compounds, or mixtures, or that any junk dealer or dealers in second-hand articles, vendors of bottles, rags, or collectors of or dealers in articles found in ashes, garbage or other refuse, whether at the public dumps or elsewhere, or any other person or corporation has any such bottles, jars, cans, cases, boxes, siphons, tins or kegs, in his, her or its possession, or secreted in any place, the said magistrate must thereupon issue a search warrant to discover and obtain the same, and may also cause to be brought before him the person in whose possession the bottles, jars, cans, cases, boxes, siphons, tins or kegs may be found, and shall then inquire into the circumstances of such possession, and if such magistrate finds that such person has been guilty of a violation of this act, he must impose the punishment herein prescribed, and he shall also award possession of the property taken upon such warrant to the owner thereof.

§ 6. The requiring, taking or accepting of any deposit for any purpose upon any bottle, jar, can, case, box, siphon, tin or keg shall not be deemed or constitute a sale of such property, either optional or otherwise, in any proceeding under this act.

§ 7. Any person or persons, corporation or corporations, that has or have heretofore filed in the offices mentioned, as aforesaid in this act, a description of the name or names, mark or devices upon his, her, their or its property therein mentioned, and has caused the same to be published according to law existing at the time of such filing and publication, shall not be required to again file and publish such description to be entitled to the benefits of this act.

By Dr. Swope:

H. B. 350. An Act requiring public officials of counties, graded school districts, subdivisions and districts less than a county and municipalities, whose duty it is to collect, have the custody or disbursement of public funds of such county, graded school district, subdivision or district less than a county or municipality, to make, file and publish annually a sworn statement of all funds collected, received and disbursed, by such officer during the fiscal year, except in counties having therein a city of the first class, or in a county or city which by law is required to make quarterly publication of its fiscal and financial affairs, and describing the manner in which they shall be published and the price to be paid for such publication, also describing the manner and price to be paid for printing sheriff's list of delinquent taxes, and prescribing penalties for a violation thereof; repealing inconsistent laws.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every public official of any county, graded school district, city, town or subdivision or district, less than a county, whose duty it is by virtue of his office to collect, receive, have the custody, control, or disbursement of public funds of said county, graded school district, subdivision or district of said county, city or town, except in counties containing a city of the first class or a county or city which by law is required to make quarterly publications of its fiscal and financial affairs, shall within sixty days after the expiration of each fiscal year prepare a condensed sworn statement of such funds so collected, received, held or disbursed by him, during the fiscal year just closed, which statement shall show the amount of public funds collected and received and from what sources received; the amount disbursed and for what purposes expended; and shall cause such statement to be published in full in a newspaper published in said county which has the largest circulation therein, and said officer shall file a

written or printed copy of said statement subscribed and sworn to, in the office of the clerk of the county court of the county in which said officer resides or holds office; Provided the publication required in this Act shall be made in the size of type used for the regular news items in said paper, and at a rate not to exceed fifty cents per inch, to be paid for out of the public funds in the hands of the officer making such statement, sheriff's or treasurer's report of delinquent taxes to be published in the same size type and at the same rate as the foregoing statements.

§ 2. Any public official or newspaper who shall fail, refuse or neglect to comply with the provisions of the first section of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) at the discretion of the court or jury trying the case, which fine shall be paid into the treasury of the county or town in which the officer convicted of said misdemeanor shall hold his office.

§ 3. All Acts or parts of acts or laws in conflict with this Act is hereby repealed.

By Mr. Dickson:

H. B. 351. An Act relating to revenue and taxation and imposing an excise or license tax on gasoline and all other liquid fuels, including all liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of and condensates from petroleum, natural gas, coal tar, vegetable ferments, and from all other products so usable and sold in this Commonwealth at wholesale, as the words "at wholesale" are defined in this act, except kerosene, fuel oil, diesel oil and crude oil sold and used for purposes other than for the propulsion of licensed motor vehicles; providing for the collection of such tax, for the keeping of records, reporting of sales, defining the duties of the State Tax Commission, and requir-

ing reports to be made to the State Tax Commission by railroads and other persons, firms or corporations showing the transportation and delivery of gasoline; exempting gasoline from local excise and license taxes; providing for the distribution and use of the revenue derived therefrom, the administration of said law, fixing fines and penalties for the violation of this act; and repealing Chapter 150 of the Acts of the General Assembly of 1932.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the word "gasoline" as used in this act shall include all liquid fuels, including liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal, coal tar, vegetable ferments, and all other products, so usable and sold in this Commonwealth at wholesale, as the words "at wholesale" are defined herein, except kerosene, fuel oil, diesel fuel and crude oil sold and used for purposes other than for the propulsion of licensed motor vehicles. A State tax of four (4) cents per gallon is hereby imposed on all gasoline, as defined herein, sold in this Commonwealth at wholesale, as the words "at wholesale" are hereinafter defined. No other excise or license tax shall be levied or assessed on gasoline by the State or any county, city, town or other district. The tax hereby provided for shall be paid by the person, firm, association, or corporation so selling gasoline, and shall be paid by said person, firm, association or corporation into the General Fund of the State Treasury in the manner and within the time hereinafter specified. The words "at wholesale", as used by this act shall be held and construed to mean and include any and all sales made for the purpose of resale or distribution, or for use, and, as well, the gasoline furnished or supplied for distribution within this State whether the distributor be the

same person who so furnished the same, his agent or employe, or another person; and also to mean and include any person who shall purchase or obtain gasoline without the State and sell or distribute or use the same within the State, except that owners and operators of motor vehicles may purchase or obtain gasoline without the State and use such gasoline within the State in a maximum quantity of thirty gallons carried in the regular standard fuel tanks of such motor vehicles without being required to report and pay tax on such gasoline. Provided that nothing herein contained shall be construed as authorizing or requiring the collection of such tax upon any gasoline which has been so taxed.

§ 2. All taxes collected under the provisions of this act shall be paid into the State Treasury, and shall be used only for the purpose of the construction, reconstruction, maintenance, and repair of roads, highways, and bridges.

§ 3. Every person, or the treasurer or other proper officer or agent of every association, co-partnership or corporation selling gasoline at wholesale, as defined herein, shall keep and preserve for a period of two (2) years, an accurate record of all such sales distribution, receipts, and uses of gasoline, together with invoices, bills of lading, and other pertinent records and papers as may be required by the State Tax Commission; and shall on or before the last day of each month transmit to the State Tax Commission a statement under oath or affirmation, on such forms as the State Tax Commission may prescribe, of the total number of gallons of gasoline sold, distributed or used in each county of the State from their respective place or places of business, so registered under the provisions of Section Thirteen (13) hereof, during the preceding calendar month, which gallons are made taxable by this act, and shall accompany said report by a certified or cashier's check, payable to the State Treasurer of Kentucky, for the amount of tax due for such preceding calendar month. It shall be the duty of every person, purchasing gasoline taxable under this act from an "at wholesale" dealer for the purpose

of resale, to maintain and keep for a period of one (1) year a record of gasoline received, the amount of tax paid to the dealer as part of the purchase price, together with delivery tickets, invoices, bills of lading and such other records as the State Tax Commission shall require.

§ 4. Every person, association, co-partnership, or corporation, operating a refinery for the production of gasoline within the State of Kentucky, and selling gasoline for delivery to points within the State of Kentucky, shall collect and pay to the State Treasurer all taxes assessed under this act, on such gasoline, except on carloads of gasoline sold to licensed "at wholesale" dealers on which gasoline the purchasing "at wholesale" dealers shall report and pay the tax. The State Tax Commission in computing the amount of tax due under this act, shall make an allowance of one per cent for leakage, evaporation, bad debts and collection costs.

§ 5. Every person, association, co-partnership or corporation, operating a refinery in this State, shall keep and preserve an accurate record of all such sales, distribution, manufacture, and uses of gasoline within the State of Kentucky, and all shipments of gasoline to points outside the State, and shall, not later than the tenth day of the month make a report to the State Tax Commission, of all gasoline shipped to points in the State, and all shipments of gasoline to points outside the State, during the preceding calendar month, giving the date of shipment, car number and initial, net gallons, and the name of the person, firm, or corporation to whom shipped.

§ 6. If any person, association, co-partnership or corporation shall purchase gasoline outside the State of Kentucky, or from a Kentucky refiner as provided in Section 4 of this Act, or from a licensed "at wholesale" dealer without paying the tax to the seller, for sale within the State of Kentucky, such purchaser shall, on or before the last day of each month in which such gasoline is received, transmit to the State Tax Commission a statement, under oath or affirmation, on

such forms as the State Tax Commission may prescribe, of the total number of gallons of gasoline so purchased and received for sale in Kentucky, during the month next preceding, and shall accompany said report by a certified cashier's check, payable to the State Treasurer of Kentucky, for the amount of tax due on such gasoline received, except on such gasoline as is sold to another licensed "at wholesale" dealer in the State of Kentucky without collecting the tax, in which event the purchasing "at wholesale" dealer shall be responsible to the State for the tax on such gasoline and the selling "at wholesale" dealer may make such sale without collecting the tax; provided that the State Tax Commission in computing the amount of such tax shall make an allowance of one per cent for leakage, evaporation, bad debts, collection costs, handling and reporting the tax. Provided that such allowance shall be made only on gasoline purchased in carload quantities. It shall be the duty of the State Tax Commission to publish and keep currently up to date a list of licensed "at wholesale" dealers and transmit such list and its revisions to all licensed "at wholesale" dealers.

§ 7. Every railroad or other transportation company and every other person, firm, association, partnership or corporation transporting gasoline as defined in Section 1 of this act by whatsoever manner from without the State to points within this State, or between points within the State, shall report to the State Tax Commission, on forms prescribed by the Commission, showing the name and address of each person, firm, or corporation to whom deliveries of gasoline have been made, the name and address of the original consignee, if deliveries are made to any other than the original consignee, the name and address of the consignor, the point of origin, the point of delivery, the date of delivery, the number and initials of each car, if shipped by rail, the quantity of each shipment and delivery in gallons, the manner of shipment and delivery, and such other information as the State Tax Commission may require relative to the transportation

and delivery of such gasoline. Such reports are to include intra-city switching movements of gasoline in tank cars or otherwise. Such reports shall be made under oath and shall be filed on or before the last day of each month covering all such deliveries made within this State during the preceding calendar month.

§ 8. The State Tax Commission of the State of Kentucky, shall upon request duly received from the officials to whom are entrusted the enforcement of the gasoline tax laws of any other State, forward to such officials any information which it may have in its possession relative to the manufacture, receipt, sale, use, transportation and/or shipment by any person of gasoline.

§ 9. By virtue of the allowance provided herein to "at wholesale" dealers for collecting the tax and remitting the same to the State Tax Commission, every "at wholesale" dealer is a trust officer of the State, and failure to remit gasoline tax to the State as provided herein constitutes embezzlement of State funds, and upon conviction under this section any individual, or partner, or officer, or agent of any association, partnership or corporation shall be guilty of a misdemeanor and shall be fined not exceeding one thousand dollars (\$1,000) or imprisoned in the county jail not exceeding six months, or both so fined and imprisoned, and upon conviction on a second offense under this section, shall be guilty of a felony and shall be imprisoned for not less than one year or more than five years in the State prison.

§ 10. If any such person, association, co-partnership or corporation neglects or refuses to make said return, or pay the tax at the time hereinbefore provided, the amount thereof, with an addition of a penalty of twenty per centum thereof, with interest at the rate of six per cent per annum from the date when due until paid, shall be paid on an account settled by the State Tax Commission, as other taxes are paid, settled and collected; and, if collected by proceedings in any court, an additional penalty of twenty per centum shall be

collected as is authorized to be collected in revenue agent proceedings under Section 4263-4 of the Kentucky Statutes.

The said twenty per centum penalty thereon and interest due shall be paid into the State Treasury as part of the tax, and the twenty per centum penalty collected in revenue agents' proceedings shall be distributed as provided in Section 4263-4 of the Kentucky Statutes.

§ 11. The State Tax Commission, or any assistant or representative thereof, appointed in writing by it, is hereby authorized to examine the books, records, papers, files and equipment of any person, association, co-partnership or corporation pertaining to the business made taxable by this act, and to that end, shall have the power to examine witnesses under oath to verify the accuracy of any return made under the provision of this act, or to ascertain whether or not any tax is due by any person, association, co-partnership or corporation under the provisions of this act, and in the collection of said tax, the State Tax Commission shall have the power to institute legal proceedings for the purpose of ascertaining the amount of tax due and the collection thereof with the penalties thereon, and the State Tax Commission shall be vested with all the powers under the law of the State for the collection of taxes. The State Tax Commission may, at or after the commencement of an action for the purpose of collecting the amount of tax due and penalties and interest due thereon as set out herein have an attachment against the property of the defendant, including garnishees, without the execution of a bond upon the filing of an affidavit showing the nature of the claim, that it is just, the sum which the State Tax Commission believes the plaintiff ought to recover and that the collection of the demand will be endangered by delay in obtaining judgment or a return of no property found. Any information gained by the State Tax Commission, or any assistant, agent or representative thereof, as a result of the reports, investigations or verifications herein required to be made, shall be confidential, and any person divulging such informa-

tion shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding Five Hundred Dollars (\$500); provided, however, that this prohibition shall not extend to information required in prosecutions for making false reports or returns or in the preparation and prosecution of legal proceedings for the collection of any tax due under the provisions of this act, or any prosecutions for any other infraction of the tax laws of this State. If any witness shall fail or refuse to appear at the request of the State Tax Commission, or refuse access to any books, records, files, papers, or equipment, the State Tax Commission shall certify such fact and the name of the witness, or witnesses, so failing and refusing to appear, or refusing access to any books, records, papers, files or equipment to the circuit court of the county having jurisdiction of the matter, and said court shall thereupon issue a summons for the said party to appear at a place designated within the jurisdiction of the court on a day fixed, and give such evidence and open for inspection such books, records, files and papers as may be required for the purpose of ascertaining whether or not any return so made is true and correct, or whether or not any person, association, co-partnership or corporation has failed or refused to make a true and correct return under the provisions of this law; and the circuit court shall have in any such proceeding all the power of a court of equity in punishing for contempt. In order that the State Tax Commission may have additional means of checking up the accuracy of the reports made, and determining the amount of tax due by any person, association, co-partnership or corporation, the records, books, and other documents of common carriers, relative to the transportation of gasoline, are hereby declared to be accessible to the State Tax Commission.

§ 12. Any person, association, co-partnership or corporation, or any officer, director, trustee, or member of any association, co-partnership or corporation, who shall fail, neglect or refuse to make the returns and pay the tax herein

prescribed, or shall refuse to permit the State Tax Commission, its assistants, agents or representatives appointed by it in writing, to examine the books, records, papers, files and equipment of such person, association, co-partnership or corporation pertaining to the business made taxable by this act, or who makes an incomplete, false or fraudulent return hereunder, or who does or attempts to do, anything whatever to avoid a full disclosure of the amount of business done or to avoid the payment of the whole or any part of the tax or penalties due, or who shall fail to preserve records of gasoline manufactured, received, used, sold or delivered, as provided in this act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding One Thousand Dollars (\$1,000.00), and in the case the offender is an individual, he may be imprisoned in the county jail not exceeding six months, or both so fined and imprisoned. Such penalty shall be in addition to the penalty imposed hereinbefore in Section 10 of this act.

§ 13. On and after 30 days after this act shall go into effect, it shall be unlawful for any "at wholesale" dealer to receive, use, sell or distribute any gasoline or to engage in the sale of gasoline within this State unless such dealer is the holder of an uncanceled license issued by the State Tax Commission to engage in such business. To procure such license every dealer shall file with the State Tax Commission an application under oath or affirmation and in such form as the State Tax Commission may prescribe, setting forth:

(a) The name under which the dealer will transact business within the State of Kentucky;

(b) The location, with street number address, of its principal office or place of business within this State; and if such dealer has more than one place of business within the State, the locations of each place of business;

(c) The name and complete residence address of the owner, or the names and addresses of the partners, if such dealer is a partnership, or the names and addresses of the

principal officers, if such dealer is a corporation or association; and if such dealer is a corporation organized under the laws of another State, territory, or country, it shall also file with such application a certified copy of the certificate or license issued by the Secretary of State of Kentucky showing that such corporation is authorized to transact business in the State of Kentucky. Upon the filing of an application for a license, and concurrently therewith, a bond of the character stipulated and in the amount provided for in Section 14 of this act, shall be filed with the State Tax Commission. No license shall be issued upon any application unless accompanied by such a bond. In the event that any application for a license certificate to transact business as a dealer in the State of Kentucky shall be filed by any person whose license shall at any time heretofore have been canceled for cause by the State Tax Commission, or in case said State Tax Commission shall be of the opinion that such application is not filed in good faith, or that such application is filed by some person as a subterfuge for the real person in interest whose license or registration shall theretofore have been canceled for cause by said State Tax Commission, then and in any of said events the State Tax Commission, after hearing, of which the applicant shall have been given five (5) days' notice in writing and in which said applicant shall have the right to appear in person or by counsel and present testimony, shall have and is hereby given the right and authority to refuse to issue to such person a license certificate to transact business as a dealer in the State of Kentucky. The application in proper form having been accepted for filing, and the bond having been accepted and approved, the State Tax Commission shall issue to such dealer a license certificate to transact business as a dealer in the State of Kentucky, subject to cancellation of such license as provided by law. The license certificate so issued by the State Tax Commission shall not be assignable, and shall be valid only for the dealer in whose name issued, and shall be displayed conspicuously in the prin-

cial place of business of said dealer in the State of Kentucky. The State Tax Commission shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed dealers.

§ 14. Every "at wholesale" dealer shall file with the State Tax Commission a bond in the minimum amount of \$2,000.00 and up to a maximum amount sufficient in the opinion of the State Tax Commission, the financial rating and reputation of the company considered, to insure payment to the State of Kentucky of the amount of tax and any penalties and interest for which the dealer may become liable, on a form to be approved by the State Tax Commission and with a surety thereon approved by the State Tax Commission and upon which such dealer shall be the principal obligor and the State of Kentucky shall be the obligee, conditioned upon the prompt filing of true reports and the payment by such dealer to the Treasurer of the State of Kentucky of any and all gasoline excise taxes which are now or which hereafter may be levied or imposed by the State of Kentucky together with any and all penalties and/or interest thereon, and generally upon faithful compliance with the provisions of this act. In the event that liability upon the bond thus filed by the dealer with the State Tax Commission shall be discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the State Tax Commission any surety on the bond theretofore given shall have become unsatisfactory or unacceptable, then the State Tax Commission may require the dealer to file a new bond with satisfactory sureties in the same amount, failing which the State Tax Commission shall forthwith cancel the license certificate of said dealer. If such new bond shall be furnished by said dealer as above provided, the State Tax Commission shall cancel and surrender the bond of said dealer for which such new bond shall be substituted. In the event that upon hearing, of which the dealer shall be given five (5) days' notice in writing, the State Tax Commission shall decide that the amount of the existing

bond is insufficient to insure payment to the State of Kentucky of the amount of the tax and any penalties and interest for which said dealer is or may at any time become liable, then the dealer shall forthwith, upon the written demand of the State Tax Commission file an additional bond in the same manner and form with a surety thereon approved by the State Tax Commission to be necessary to secure at all times the payment by such dealer to the State of Kentucky of all taxes, penalties, and interest due under the provisions of this act, failing which the State Tax Commission shall forthwith cancel the license certificate of said dealers. Any surety on any bond furnished by any dealer as above provided shall be released and discharged from any and all liability to the State of Kentucky accruing on such bond after the expiration of sixty (60) days from the date upon which such surety shall have lodged with the State Tax Commission written request to be released and discharged. Provided, however, that such request shall not operate to relieve, release, or discharge such surety from any liability already accrued, or which shall accrue, before the expiration of said sixty-day period. The State Tax Commission shall promptly on receipt of notice of such request notify the dealer who furnished such bond, and, unless, such dealer shall on or before the expiration of such sixty-day period file with the State Tax Commission a new bond with a surety satisfactory to the State Tax Commission in the amount and form hereinbefore in this section provided, the State Tax Commission shall forthwith cancel the license of said dealer. If such new bond shall be furnished by said dealer as above provided, the State Tax Commission shall cancel and surrender the bond of said dealer for which such new bond shall be substituted.

§ 15. If an "at wholesale" dealer shall at any time file a false monthly report of the data or information required by this act, or shall fail, refuse or neglect to file the monthly report required by this act, or to pay the full amount of the tax as required by this act, the State Tax Commission may

forthwith cancel the license of said dealer and notify such dealer in writing of such cancellation by registered mail to the last known address of such dealer appearing on the files of the State Tax Commission. The State Tax Commission is hereby given the power to cancel any license hitherto or hereafter issued to any dealer, such cancellation to become effective sixty (60) days from the date of receipt of the written request of such dealer for cancellation thereof or said State Tax Commission may cancel the license of any dealer upon investigation and sixty (60) days' notice mailed to the last known address of such dealer if it shall ascertain and find that the person to whom such license has been issued is no longer engaged in the receipt, use or sale of gasoline as a dealer, and has not been so engaged for the period of six (6) months prior to such cancellation. But no such license shall be cancelled upon the request of any dealer until and unless the dealer shall, prior to the date of such cancellation, have paid to the State of Kentucky all excise taxes payable under the laws of the State of Kentucky together with any and all penalties and fines accruing by reason of any failure on the part of said dealer to make accurate reports as required by this act and/or to pay such taxes and/or penalties. In the event that the license of any dealer shall be cancelled by the State Tax Commission as hereinbefore in this section provided, and in the further event that said dealer shall have paid to the State of Kentucky upon the receipt, sale or use of gasoline, together with any and all penalties accruing by reason of any failure on the part of said dealer to make accurate reports or to pay said tax and/or penalties, then the State Tax Commission shall cancel and surrender the bond theretofore filed by said dealer.

§ 16. Any person who shall engage in business in the State of Kentucky as an "at wholesale" dealer without being the holder of an uncanceled license to engage in such business, or who shall, without such license, sell any gasoline upon which the tax herein imposed shall not have been reported

and paid, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year or both so fined and imprisoned in the discretion of the jury. Each day or part thereof during which any person shall engage in business as a dealer without being the holder of an uncanceled license shall constitute a separate offense within the meaning of this section.

§ 17. It shall be the duty of the State Tax Commission to administer and enforce the provisions of this act, and it is hereby authorized and empowered to prescribe all blanks, forms and reports necessary to carryout the provisions of this act. It shall certify each month to the State Auditor the total amount of tax paid or collected from each wholesale dealer during the preceding month under the provisions of this act and shall accompany said certification with the checks received by it for the payment of said tax and penalties, if any. All costs and expenses incurred by the State Tax Commission in the administration of this act shall be paid out of the funds collected hereunder.

§ 18. No suit shall be maintained in any court to restrain or delay the collection or payment of the tax herein imposed upon any ground whatever, but the aggrieved taxpayer shall pay the taxes when due, and if paid under protest, may at any time within two years from the date of such payment sue the Auditor of Public Accounts in an action of law to recover the tax so paid, with legal interest thereon from the date of payment. If it is legally determined that said tax, or any part thereof, was wrongfully collected for any reason, it shall be the duty of the Auditor of Public Accounts then in office to issue his warrant on the Treasurer of the Commonwealth of Kentucky for the amount of such tax so adjudged to have been wrongfully collected, together with interest thereon, and the Treasurer shall pay same out of the

public road fund of the State. A separate suit need not be filed for such separate payment made by any taxpayer, and a recovery may be had in one suit for as many illegal payments as may have been made, and which are not barred by the limitation of two years herein imposed.

§ 19. The provisions of this act are severable and if any of its provisions or any penalty provided by this act shall be held unconstitutional, such provision or the particular penalty held to be invalid shall not affect or impair the remainder of the act or such part of the penalties as are not held to be invalid and the decisions of the courts shall not affect or impair the remaining provisions of this act or any of the other penalties anywhere in this act provided. It is hereby declared as a legislative intent that this act would have been adopted had any unconstitutional provisions of such invalid penalties not been included therein.

§ 20. Chapter One Hundred Fifty of the Acts of the General Assembly of 1932 hereby is repealed in its entirety, and it hereby is declared to be the legislative intent that this act shall constitute and embrace all of the law of this Commonwealth imposing any tax on gasoline.

By Mr. Sloan:

H. B. 352. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky, a road from Liberty Church House on the Burkesville, Albany Road to intersect with Burkesville, Celina Road, via Jim Rush place, Al Bow place, S. C. Scott place and via Arms farm.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of state highways of the Commonwealth of

Kentucky a road from Liberty Church House on Burkesville, Albany Road to intersect with Burkesville, Celina Road; via Jim Rush place, Al Bow place, S. C. Scott place and via Arms farm.

This road thus established to be entitled to receive all benefits of such laws as are or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

By Mr. Sloan:

H. B. 353. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road leading from Kettle, Kentucky to the Tennessee Line at Rock Springs, Tennessee, via Littrell, Kentucky and Spear's Chapel.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of state highways of the Commonwealth of Kentucky, a road leading from Kettle, Kentucky to the Tennessee line at Rock Springs, Tennessee, via Littrell, Kentucky and Spear's Chapel.

This road thus established to be entitled to receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

By Mr. Sloan:

H. B. 354. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road from C. B. Young's place to Bakerton Ferry; thence up Brush Creek via of Smith's Grove; thence

from Smith's Grove by way of Whetstone, intersecting State Highway going from C. A. Page's Store to Winfrey's Ferry.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of the state highways of the Commonwealth of Kentucky a road from C. B. Young's place to Bakerton Ferry; thence up Brush Creek via of Smith's Grove; thence from Smith's Grove via of Whetstone, intersecting State Highway from C. A. Page's Store to Winfrey's Ferry.

This road thus established to be entitled to receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

By Mr. McDermott:

H. B. 355. An Act relating to licensing of contracting and master, journeyman and apprentice painters and decorators in counties containing cities of the first and second classes; providing for definition of terms used; providing for the appointment, jurisdiction and authority of a State Painter's Board; providing for fair trade practices and revocation of contracting and master painters' license for violation thereof and providing for penalty for the violation of the provisions of this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Definitions:* (a) The term "contracting and master painter" as used in this Act shall mean a person, firm, co-partnership, corporation, association, or other organization or any combination thereof who for either a fixed sum, price,

fee, percentage, or compensation other than wages undertakes or offers to undertake with another to paint or decorate any building or structure of any kind or any part thereof, on either the interior or exterior thereof; with either paint, varnish, lacquer, enamel, colors, oil, turpentine or any combination thereof, wall paper, canvas or muslin, cotton fabrics, silk, satins, or linen materials and metal or metal products and that the term "contracting and master painter" as used in this Act shall include any and all subcontractors.

(b) The term "journeyman painter" as used in this Act shall mean any person other than a contracting and master painter, who is skilled in the practical work of painting, decorating and paperhanging, who has completed a four-year apprenticeship or the equivalent in the trade and who has obtained a journeyman painter's license in conformity with this Act.

(c) The term "apprentice painter" as used in this Act shall mean any person sixteen years of age or over who shall enter into any contract of service, expressed or implied, whereby he is to receive from, or through, his employer in consideration for his services, in whole or in part, instruction in the painting, decorating and paperhanging trade. All apprentice painters shall be indentured with the State Painters' Board as provided by this Act and shall serve as such for a period of four years before being eligible to make application for examination for a journeyman painter's license.

(c) The term "contracting and master painter", "journeyman painter" and "apprentice painter", as used in this section, shall not be held to include the following:

1. Members of maintenance crews in plants or employed by a department of the Government, electric railway or steam railroad, or a public utility who are required in the course of their regular employment to do painting, paperhanging or decorating.

2. Owners of private property who desire to do their own painting, paperhanging or decorating.

§ 2. *Painter's License*: That within ninety days after the passage of this Act contracting and master painters, journeyman painters and apprentice painters within the meaning of this Act shall, to engage in the business of painting, paperhanging and decorating in the counties containing cities of the first and second classes, obtain a license from the State Painters' Board hereinafter provided by the provisions of this Act. The failure to obtain a license if engaged in the business or occupation of painting, paperhanging or decorating by either contracting painter, journeyman painter and apprentice painter shall be deemed a violation of this Act and subject to the penalty hereinafter prescribed for the violation of this Act.

§ 3. *State Painters' Board*: The Governor shall within ninety days after the passage of this Act appoint and shall have the power to remove for cause, a State Painters' Board, to be composed of five members, two of whom shall be contracting and master painters, two of whom shall be journeyman painters and it is hereby provided that both the contracting and master and journeyman painters shall have been engaged in the business or occupation of painting, paperhanging and decorating for a period of at least five years and reside at the time of appointment in a city of the first and second class and eligible under the provisions of this Act to engage in the business or occupation of painting, and one member shall be a representative of the manufacturers of paint and decorating materials operating and residing in the Commonwealth. In making the first appointment under this Act, the Governor shall appoint one contracting and master painter and one journeyman painter to hold office for a term of one year. One contracting and master painter, one journeyman painter, and the representative of the manufacturing painters shall hold office for two years, thereafter, the Governor shall appoint all members for a period of two years each.

The State Painters' Board shall meet for organization within thirty days after its appointment in the offices of the State Department having supervision over inspection of workshops and administration of labor laws which shall be the permanent office of the Board. This department shall furnish clerical assistance, office space, files and other necessary things for the proper maintenance of the records and for the conduct of the board's business, and the chief officer of the department or an employee designated by him shall act as secretary to the board. The board shall elect a chairman from its membership, also a vice chairman who shall act during the absence or disability of the chairman. The board shall adopt all necessary rules, regulations and by-laws not inconsistent with this Act and the constitution and laws of the Commonwealth to govern its times and special places of meeting, for the governing of all matters requisite to the exercise of its powers, the performance of its duties and the transactions of its business under this Act. The board shall prescribe rules and regulations as to the qualifications, examination and licensing of contracting and master painters, journeyman and apprentice painters and may issue temporary revokable permits to contracting and master painters and to journeyman painters pending examination. No license shall be granted without the approval of the majority of the board. A majority of the board shall at all times constitute a quorum for official business. The secretary of the board shall keep a true and complete record of all the proceedings of the board. All fees hereinafter prescribed by the provisions of this Act shall be paid to the secretary who shall issue receipts therefor, and shall be paid by him monthly into the State Treasury. All expenses authorized and incurred by the board shall be paid on requisitions signed by the secretary and approved by the chairman and upon warrant of the State Auditor, by the State Treasurer. Each member of the board shall be entitled to receive actual traveling expenses and five dollars per diem

while actually engaged in attendance at meetings, or in the performance of their duties under this Act.

§ 4. *Qualifications for Painter's License:* Every contracting and master painter subject to the provisions of this Act shall as a condition of granting a license by the State Painters' Board pay the Commonwealth through said board a fifty dollar per year license fee. Every journeyman and apprentice painter subject to the provisions of this Act shall as a condition of granting a license by the State Painters' Board pay the Commonwealth through said board an initial license fee of three dollars and thereafter a yearly renewal license fee of one dollar.

Every contracting and master painter subject to the provisions of this Act shall as a condition of the granting of a license under this Act, employ for a period of one year in regular and continuous service one apprentice painter for every five journeyman painters employed and the compensation of each such apprentice shall not be less than one-third of the hourly wage at any time paid to a journeyman painter.

Applicants for either contracting and master or journeyman painter's license under this section shall make application therefor on forms furnished by the State Painters' Board within ninety days after the passage of this Act and pay the prescribed fee and furnish satisfactory evidence of qualification.

§ 5. *Fair Trade Practice; Handling Complaints and Revocation of License:* The State Painters' Board may upon their own motion, and shall upon written complaint of any person, investigate the business relations of any contracting painter operating within a county containing a city of the first or second class and temporarily suspend or permanently revoke a license issued under the provisions of this Act if the holder thereof is found guilty of or commits any one or more of the following acts or omissions.

1. Abandonment of any contract without legal excuse.
2. Diversion of funds or property received for prosecu-

tion or completion of a specific contract, or for a specific purpose in the prosecution or completion of any contract, and their application or use for any other contract, obligation or purpose.

3. Fraudulent departure from or disregard of plans or specifications in any material respect, without consent of the owner or his duly authorized representative.

4. Willful or deliberate disregard and violation of the building code of the Commonwealth and/or city in which the contracting and master painter is operating, or the safety laws or labor laws of the State.

5. Failure to keep records showing all receipts and disbursements of licensee in all of his transactions as a contracting and master painter as that term is defined in this Act.

6. Misrepresentation of a material fact by applicant in obtaining a license.

7. The doing of a willful, fraudulent act by the licensee as a contractor or master painter in consequence of which another is substantially injured.

8. Bribery in any form, or of any name or nature, whether done or attempted to be done directly or indirectly, with the purpose and effect of securing an unfair advantage over a competitor.

9. Inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customer, or interfering with or obstructing the performance of a contract by a competitor.

10. Making or offering to make secret rates, charges, terms and conditions or rebates, or making or offering to make in any manner or by any device what ever, more advantageous rates, charges, terms and conditions, with the purpose and effect of securing an unfair advantage over a competitor.

11. Defaming by falsely imputing dishonorable conduct, inability to perform contracts, questionable credit standing, or by other representations or by disparagement of the grade

and quality of service, with the purpose and effect of securing an unfair advantage over a competitor.

12. Selling services and/or goods or materials below cost as determined by the State Painters' Board. Offering to make substitute bid, prior to the making of an award by a prospective customer, without a commensurate decrease in the requirements of the job with the purpose and effect of securing an unfair advantage over a competitor.

13. Offering to lower an original bid at the request of a prospective customer prior to his making an award, without a commensurate decrease in the requirements of the job with the purpose and effect of securing an unfair advantage over a competitor.

14. Failure to promptly pay wages due employees.

Proceedings for the revocation of contracting and master painters' license shall be preceded by a thirty days' notice of the charge filed with the State Painters' Board. The time and place for the hearing of the charges shall be fixed in said written notice served the accused or person through the board's secretary. At the hearing the accused shall have the right to be represented by counsel, to introduce evidence and to examine and cross-examine witnesses. The board shall file a written report of its findings in the record of its proceedings and a copy of said report shall be sent to the accused. In the event that the guilt of the accused be established in the opinion of the majority of the board, the secretary shall make proper entry in the record of its proceedings declaring that the license has been revoked and shall give notice in writing of such revocation to the holder of the license. At any time after the expiration of six months from the date of such revocation of a certificate, and upon the payment of the prescribed fee and of all costs incurred by the board as a result of the case at issue by the contracting painter whose license has been revoked, said contracting painter may make application to the board for a new license, and the said board, at its discretion and upon evidence which in its opinion

would warrant the granting of a new license, may issue such new license.

§ 6. *Penalty*: Any contracting and master painter or journeyman painter or apprentice painter within the meaning of this Act who shall violate any of the provisions of this Act, or who shall fail or neglect or refuse to obey any lawful order issued by the State Painters' Board or any judgment or decrees made by a court shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifteen dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding thirty days for each and every violation thereof, or by both a fine and jail imprisonment at the discretion of the court.

§ 7. *Constitutional Observance*: The sections of this Act and every part of such sections are hereby declared to be independent sections, and parts of sections, and the holding of any section or part thereof to be void or ineffective shall not effect any other section or part of a section thereof.

§ 8. *Individual Laborer's Exemption*: Nothing in this Act and no regulation thereunder, shall prevent an individual from pursuing the vocation of manual labor and selling or trading the products thereof, or from performing painting, decorating or paperhanging without a license if such service is only incidental to his usual vocation of service.

By Mr. McDermott:

H. B. 356. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky the Dodsworth Lane road running from the Alexandria Pike to the Mary Inglis Highway in Campbell County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky the Dodsworth Lane road running from the Alexandria Pike to the Mary Inglis Highway in Campbell County, Kentucky.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

By Mr. McDermott:

H. B. 357. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky the Winters Lane road running from the Alexandria Pike to the Mary Inglis Highway in Campbell County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky the Winters Lane road running from the Alexandria Pike to the Mary Inglis Highway in Campbell County, Kentucky.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky, shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

By Mr. McDermott:

II. B. 358. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of

Kentucky, the Gubser Mill-California Road running from California to Gubser Mill in Campbell County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky the Gubser Mill-California Road running from California to Gubser Mill in Campbell County, Kentucky.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

By Mr. McDermott:

H. B. 359. An Act requiring all public utility companies which furnish electricity, gas, telephone, street car or water service in cities of more than three thousand population to maintain an office for the transaction of business with their customers in each such city, and providing a penalty for violation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every public utility company which furnishes electricity, gas, telephone, street car or water service in any city of more than three thousand population shall maintain an office for the transaction of any business with their customers in each city wherein such companies are furnishing services.

§ 2. Any violation of the provisions of Section one of this act shall render the company liable to a fine of not less than twenty-five and not more than fifty dollars upon convic-

tion in any court of competent jurisdiction and each day that the violation shall continue shall be construed as a separate offense.

By Mr. McDermott:

H. B. 360. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky the Riffle Creek Road running from Alexandria Pike to the Licking Pike in Campbell County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky the Riffle Creek Road running from the Alexandria Pike to the Licking Pike in Campbell County, Kentucky.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

By Mr. McDermott:

H. B. 361. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky the Johns Mill Road running from the Alexandria Pike to the Licking Pike in Campbell County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Common-

wealth of Kentucky the John's Mill Road running from the Alexandria Pike to the Licking Pike in Campbell County, Kentucky.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

By Mr. McDermott:

H. B. 362. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky the First Pools Creek Road running from the Alexandria Pike to the Licking Pike in Campbell County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky the First Pools Creek Road running from the Alexandria Pike to the Licking Pike in Campbell County, Kentucky.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

By Mr. Howard:

H. B. 363. An Act creating and establishing as a part of the State Highway System of the Commonwealth of Kentucky, a road leading from Solway in Hardin County, at a point in the East View and Solway Highway, to Hardin

Springs in Hardin County at a point in State Project leading from Hardin Springs to Leitchfield and Hardinsburg Road at Madrid.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established as a part of the State Highway System of the Commonwealth of Kentucky a road leading from Solway in Hardin County, at a point in the East View and Solway Highway, to Hardin Springs in Hardin County at a point in State project leading from Hardin Springs to the Leitchfield and Hardinsburg Road at Madrid.

§ 2. The constructing, maintenance, supervision of said road shall be subject to and controlled by Chapter 17 of the Acts of the General Assembly of 1920, as amended, establishing and creating a system of State Highways as if said road had been named in the original Act.

By Mr. Howard:

H. B. 364. An Act establishing and creating as a part of the State Highway system of the Commonwealth of Kentucky a road from Four Corners in Hardin County, Kentucky, leading along and near to the present county road to Big Springs in the line between Hardin County and Breckinridge County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established and created as a part of the State Highway System of the Commonwealth of Kentucky, a road leading from Four Corners, in Hardin County, Kentucky, leading along and near the present county

road to Big Springs in the line between Hardin County and Breckinridge County.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by Chapter 17 of the Acts of the General Assembly of 1920 as amended, establishing and creating a system of State Highways as if said road had been named in said act.

By Mr. Tapp:

H. B. 365. An Act relating to motor vehicles and providing that no motor vehicle shall be registered or licensed to operate within the Commonwealth of Kentucky unless and until the owner of said motor vehicle shall file with the clerk of the county court of the county wherein application for registration or license is made, the written affidavit of a competent mechanic stating on oath that the brakes on said motor vehicle are in good condition; and providing penalties for the violation of this Act; and repealing all Acts or parts of Acts, and all laws or parts of laws in conflict herewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No motor vehicle shall be registered or licensed to operate within the Commonwealth of Kentucky unless and until the owner thereof shall file with the Clerk of the County Court, of the county wherein the application for registration or license is made, the written affidavit of a competent mechanics stating on oath, that said mechanic has examined and inspected the brakes on said motor vehicle within forty-eight hours of the time when such application is made and that, in the opinion of said mechanic, said brakes are in good condition.

§ 2. For the purposes of this Act, the said affidavit may be taken and executed before the clerk of said county court, as

well as notaries public and any and all other officers now empowered by law to administer oaths.

§ 3. Said affidavit, when properly executed, shall be filed by the clerk of said county court with the duplicate registration and license records retained in the office of said clerk.

§ 4. Any county court clerk who shall violate any of the provisions of this Act shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined twenty dollars (\$20.00) for each offense.

§ 5. All Acts and parts of Acts, and all laws and parts of laws, in conflict herewith are hereby repealed.

By Mr. Tapp:

H. B. 366. An Act to repeal, amend and re-enact Section 2117, Kentucky Statutes, Carroll's 1930 Edition, relating to divorce, so when amended and re-enacted said section will read as follows:

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A jury shall not be impaneled in any action for divorce, alimony or maintenance, but courts having general equity jurisdiction may grant a divorce for any of the following causes, to both husband and wife:

1. To both parties. Such impotency or malformation as prevents sexual intercourse.

2. Living apart without any cohabitation for five consecutive years next before the application.

3. Confinement in a State asylum, private sanitorium or other institution for the insane for a period of not less than five consecutive years.

To party not in fault. Also to the party not in fault for the following causes:

1. Abandonment by one party or the other for one year.

2. Living in adultery with another man or woman.
3. Condemnation for felony in or out of this State.
4. Concealment from the other party of any loathsome disease existing at the time of marriage, or contracting such afterward.
5. Force, duress or fraud in obtaining the marriage.
6. Uniting with any religious society whose creed and rules require a renunciation of the marriage covenant, or forbid husband and wife from cohabitating.

To the wife. Also to the wife when not in like fault for the following causes:

1. Confirmed habit of drunkenness on the part of the husband of not less than one's year duration, accompanied with a wasting of his estate, and without any suitable provision for the maintenance of his wife or children.
2. Habitually behaving toward her by the husband, for not less than six months, in such cruel and inhuman manner as to indicate a settled aversion to her, or to destroy permanently her peace or happiness.
3. Such cruel beating or injury, or attempt at injury, of the wife by the husband, as indicates an outrageous temper in him, or probable danger to her life, or great bodily injury from her remaining with him.

To the husband. Also to the husband for the following causes:

1. Where the wife is pregnant by another man without the husband's knowledge at the time of marriage.
2. When not in like fault, habitual drunkenness on the part of the wife of not less than one year's duration.
3. Adultery by the wife, or such lewd, lascivious behavior on her part as proves her to be unchaste, without actual proof of adultery.

All laws or parts of laws in conflict herewith are hereby repealed.

By Mr. Records.

H. B. 367. An Act to amend and re-enact Section 868b, Carroll's Kentucky Statutes, Edition of 1930, providing for the holding and disposal of real estate by building and loan associations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 868b, Carroll's Kentucky Statutes, Edition 1930, be, and hereby is amended and reenacted so that such section when amended and re-enacted shall read as follows:

Any association may purchase at any sale, public or private, any real estate upon which it may hold any mortgage, lien or other incumbrance or in which it has an interest and may dispose of same at pleasure, but within five years after it has acquired title thereto; it may also acquire and own real estate for the purpose of occupying the same as its own business building from portions of which, not required for its own use, a revenue may be derived and the real estate so held may be sold, conveyed or exchanged. Any association at the discretion of its officers and directors, and with the consent and approval of the department of banking, may accept its stock at the withdrawal value of such shares in full payment or of part payment of any real estate owned by the association, provided that the sale price of such real estate shall not be less than the book value thereof. In all cases where the directors offer to accept shares of the association in payment or part payment on real estate, they shall give at least fifteen (15) days' notice of the proposed sale of such real estate by publication in a local newspaper and written notice to all share-holders whose shares are listed on the list of withdrawals and maturities. The shares of the highest bidder for such real estate may then be accepted by the association in pay-

ment or part payment of such real estate without regard to the priority or listings on the list of withdrawals and maturities.

The association may also sell real estate which it may have acquired and accept the note or notes of the purchasers maturing within three (3) years and upon such other terms and conditions as the board of directors may determine. These notes may be secured by a straight first mortgage on said real estate.

By Mr. O'Neill:

H. B. 368. An Act relating to the sale of certain State owned Kentucky Reports and requiring the State Librarian to sell said Kentucky Reports, and fixing the selling price therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Immediately upon the passage of this Act the State Librarian shall sell all State owned Kentucky Reports not being used by the various officials and departments of the Commonwealth; being those reports which are now stored in the Capitol building or elsewhere and held for the purpose of sale. This Act shall apply to all such reports, except those which have been published and bound within the past two years or which may be hereafter printed.

§ 2. The Librarian is required to collect a sum not to exceed twenty-five (25c) cents per volume for said reports, exclusive of any freight, postage or other expense. Under the provisions of this Act the Librarian shall not sell more than one set of reports to any individual, firm or corporation.

§ 3. The purpose of this Act is to sell all of those volumes of Kentucky reports which have been stored in the basement of the Capitol and other storage rooms for the past

number of years, and as the volumes are becoming worm eaten and decayed it is necessary that the State realize immediately some remuneration on said volumes before they become worthless.

All Acts or parts of acts in conflict herewith are hereby repealed.

By Mr. Lee:

H. B. 369. An Act relating to fishing at locks and dams on the navigable streams of this Commonwealth, fixing the time and manner of fishing and providing penalty therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. On and after the passage of this Act and its approval by the Governor, it shall be unlawful for any person to fish at or within two hundred (200) yards of any lock and dam located upon the navigable streams in this Commonwealth for a period of more than seven (7) days in any one calendar month or to fish with more than two (2) poles and lines, or two (2) hand lines, or two (2) set lines, or two (2) throw lines at one and the same time, provided however, that any person may fish with one each of any two of the methods above mentioned at the same time.

§ 2. No person shall be permitted to leave set lines, poles and lines, or throw lines set for catching fish while he is away for a period of more than 30 minutes.

§ 3. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifteen (\$15.00) dollars nor more than fifty (\$50.00) dollars, and shall forfeit his license and shall not be eligible to procure another license for a period of one (1) year from the date of such conviction.

§ 4. Nothing in this Act shall interfere with methods

of fishing in any of the public waters of this Commonwealth except at locks and dams.

§ 5. All laws or parts of laws in conflict herewith are hereby repealed.

§ 6. Whereas, there is no provision for the regulation of fishing at locks and dams within this Commonwealth, an emergency is hereby declared to exist, and this Act shall take effect and be in force from and after its passage and approval.

By Mr. Ward:

H. B. 370. An Act amending and re-enacting Sections 4224b-2, 4356s-5 and 4356s-6, Kentucky Statutes, 1930 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4224b-2 of the Kentucky Statutes, 1930 Edition, be amended by adding thereto the following language:

“Provided that the State Highway Commission may set apart one-half ($\frac{1}{2}$) of one (1c) cent per gallon of the gasoline tax to be used to retire, pay or purchase Bridge Bonds and to pay the interest thereon on Intra-State systems of highways in Kentucky”, so that said section as thus amended and re-enacted will read as follows:

“All taxes collected under the provisions of this Act shall be paid into the state treasury, and shall be used only for the purpose of the construction, reconstruction, maintenance and repair of roads, highways and bridges. Provided that the State Highway Commission may set apart one-half ($\frac{1}{2}$) of one (1c) cent per gallon of the gasoline tax to be used to retire, pay or purchase Bridge Bonds and to pay the interest thereon on intra-state systems of highways in Kentucky.”

§ 2. That Section 4356s-5, Kentucky Statutes, 1930 Edi-

tion, be amended by adding thereto the following language, to wit:

“Provided that when the Commission shall set apart one-half ($\frac{1}{2}$) of one (1c) cent per gallon of the tax on gasoline for the purpose of paying interest, retiring, paying or purchasing Bridge Bonds, then such bridges on the intrastate highway system shall be free from tolls, and continue as toll-free bridges”, so that said section as thus amended and re-enacted will read as follows:

“The Commission may, through its own engineers, design all bridges the building of which is authorized by this act and may build same either with its own employees or by contract with any person, firm, or corporation, and any or all of such bridges, whether built by contract or by the commission, shall be paid for out of the funds provided for by this act. Provided, however, that no bridge or bridges shall be built by the commission with its own employees, except after such advertising for bids and the reception thereof, and the rejection thereof, as is now provided for the construction of highways under the control of said commission, and subject to the further provisions of this act as to advertising. The commission may reject any and all bids.

When any of the bonds authorized by this act become due, payment shall be made to the holder or holders of the bonds; and as hereinbefore said, such payment shall be made out of tolls collected on bridges; and, in addition thereto, in event the tolls be insufficient, by the enforcement of the lien herein given on the bridge or bridges; and the good faith of the Commonwealth hereby is pledged to give its moral support to the payment of both principal and interest on said bonds. The interest on said bonds shall be paid semi-annually, viz.: July first and January first. Any bond which may be issued under the provisions of this section, shall, like the bonds issued under any other section hereof, be free from taxation. Provided that when the Commission shall set apart one-half ($\frac{1}{2}$) of one (1c) cent per gallon of the tax on gasoline for the pur-

pose of paying interest, retiring, paying or purchasing Bridge Bonds, then such bridges on the Intra-State Highway System shall be free from tolls, and continue as toll-free bridges."

§ 3. That Section 4356s-6 of the Kentucky Statutes, 1930 Edition, be amended by adding thereto the following language, to wit:

"Provided that when the Commission shall set apart one-half ($\frac{1}{2}$) of one (1c) cent per gallon of the tax on gasoline for the purpose of paying interest, retiring, paying or purchasing Bridge Bonds, then such bridges on the Intra-State Highway System shall be free from tolls, and continue as toll-free bridges", so that said Section as thus amended and re-enacted will read as follows:

"The commission hereby is empowered to charge and collect tolls and fix the rates thereof for such length of time as, in the opinion of the commission, will be sufficient to pay off such bonds, and interest thereon, as may have been issued for the erection or purchase of any bridge or bridges; any may be retired at any time thereafter, not less, however, than one year after its or their issue. The rate of tolls to be charged and collected, if fixed in any bond or bonds, shall not be reduced without the consent of the holder or holders thereof. Provided that when the Commission shall set apart one-half ($\frac{1}{2}$) of one (1c) cent per gallon of the tax on gasoline for the purpose of paying interest, retiring, paying or purchasing Bridge Bonds, then such bridges on the Intra-State Highway System shall be free from tolls, and continue as toll-free bridges."

§ 4. All laws and parts of laws in conflict, are, to the extent of such conflict hereby repealed.

By Mr. Clay:

H. B. 371. An Act to repeal, amend, and re-enact Chapter 7, Section 22 of the Acts of the General Assembly of 1912, being Section 1550-22 of Carroll's Kentucky Statutes of 1930,

relating to appointment of officers in primary elections, and providing for their appointment when only one party is holding a primary.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 22 of Chapter 7 of the Acts of the General Assembly of 1912, being Section 1550-22 of Carroll's Kentucky Statutes of 1930, be repealed, amended, and re-enacted so as to read as follows:

Officers of election for the primary shall be appointed by the county board of election commissioners as provided by law in the case of the November elections. Provided, that the lists of names selected by the several party committees shall be submitted to said board not less than fifteen days before the holding of the primary and shall be open to inspection thereafter; and provided, that candidates before the primary shall be entitled, if they so desire, to unite regardless of party, in designating the names of persons to be appointed officers of election, under the rules hereinafter laid down. All designations of persons selected by candidates for appointment shall be made by written notice to said boards, delivered to any member thereof, not later than ten days before said primary. Any group of twenty-five per cent (25%) of all candidates before the primary shall be entitled to have appointed as an election officer one person in each precinct for which a name is so submitted. In cases where names are so designated for several precincts, the persons so designated shall be appointed to equal proportion to the offices of clerk, sheriff and judge in the different precincts. In like manner, fifty per cent (50%) of all candidates before the primary shall be entitled to designate two persons to be appointed officers of election in each precinct. In such cases one of the persons so designated shall be appointed clerk of election in one-half of the precincts for which names are so designated. If

seventy-five (75%) per cent of all candidates so unite they shall be entitled to designate three persons to be appointed officers of election in each precinct, and one of the persons so designated shall be appointed clerk of election in each of three-fourths of all precincts for which names are so designated; and all the candidates by so uniting shall be entitled to the appointment of four officers of election in each precinct for which names are thus designated.

In cases where candidates unite in the selection of persons to be appointed officers of election, as herein provided, the lists of names submitted by the party committees shall be treated by the board of election commissioners as follows: If only one group of twenty-five per cent (25%) of the candidates unite in selecting one person to be appointed an officer of election in each precinct so designated, said board shall appoint only one officer of election for such precinct or precincts from the list submitted by the committee of that party whose candidates from a majority of the signers of such written designation. If the signers of such list are divided equally between the parties, then the lists of names submitted by each party committee shall have chosen from it only one name for an officer of election in every other precinct among those for which names are thus designated. If two groups of twenty-five per cent (25%) or one group of fifty per cent (50%) of all candidates so unite in designating persons to be appointed officers of election in one or more precincts, the remaining officers in such precincts, shall be selected equally from the lists of the several party committees. In the event that seventy-five per cent (75%) of all candidates unite to procure the appointment of election officers in one or more precincts, or if three groups of twenty-five per cent (25%) of the candidates, or one group of fifty per cent (50%) and another of twenty-five per cent (25%) of the candidates submit names under the provisions of this section, the remaining officer of election in each of such precincts shall be chosen alternately from the lists of the dif-

ferent party committees. Provided, however, that when only one political party is holding a primary election, then all four of the election officers shall be selected from the members of said political party, in the manner above provided.

All persons who are to act as election officers shall be appointed by said board in accordance with the foregoing provisions, and the list of officers of election with the office to which each person is appointed shall be made up and open to inspection by any candidate, not later than the noon on the Saturday preceding the day of the primary.

The duties herein provided shall be enforceable against said county board of election commissioners, on the petition of any candidate, by the writ of mandamus. Proceedings in such cases shall be instituted in the circuit court. The proceedings shall be summary and without delay, and the orders of the court shall be final and not appealable.

By Mr. Pfeiffer:

H. B. 372. An Act to repeal, amend and re-enact Chapter 139, subsection (d) of Section 5, Section 7, Section 9, Section 12, Section 19, and Section 20 of the Acts of the General Assembly of 1932, relating to qualifications for the certificate of registration as registered barbers, registered apprentices, and registered beauty specialists; providing for the establishment of a minimum standard of professional education of barbers and beauty specialists; providing for the establishment of a Board of Barbers and Beautician Examiners to be known as the Kentucky State Barbers and Beauticians Examiners; for compensation of Board and method of appointment by Governor; for organization of said Board and its officers; and duties of Board.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 139, subsection (d) of Section 5 of the Acts of the General Assembly, Commonwealth of Kentucky for the year 1932, be and the same are hereby repealed and re-enacted, and when so repealed and re-enacted, shall read as follows:

Who has practiced as a registered apprentice for six months under the immediate supervision of a registered member of his or her profession, and

§ 2. That Chapter 139, Section 7, of the Acts of the General Assembly, Commonwealth of Kentucky for 1932, be and the same is hereby repealed and re-enacted so that said section when repealed and re-enacted shall read as follows:

Minimum Standard of Professional Education.

No school of barbering or beauty culture shall be approved by the Board unless it is accredited and requires as a prerequisite to graduation, a course of instruction of not less than one thousand hours to be completed in six months of not more than eight hours a day; such course of instruction to include the following subjects: Histology of the hair, skin, nails, muscles and nerves of the face and neck; elementary chemistry relating to sterilization and antiseptics; diseases of the skin, hair, gland, massaging and manipulating the muscles of the upper body, hair cutting, shaving, arranging, dressing, coloring, bleaching and tinting the hair, and such other courses as scientific research and progress in the future may render desirable.

§ 3. That Chapter 139, Section 9, of the Acts of the General Assembly, Commonwealth of Kentucky for 1932, be and the same are hereby repealed and re-enacted and when so repealed and re-enacted shall read as follows:

EXAMINATION

The Board shall conduct examinations of applicant for certificates of registration to practice as a registered barber, a registered apprentice, and a registered beauty specialist,

not less than four times each year, at such time and places as the board may determine.

The examination for certificates of registration as registered barbers, registered beauty specialists, and registered apprentices shall include both practical demonstration and written and oral test, and shall embrace the subjects usually taught in schools of barbering and of beauty culture approved by the Board.

The examination for registered barbers and registered apprentices shall be conducted by the two barber members of the Board.

The examination of registered beauty specialist and registered apprentices shall be conducted by the two female beautician members of the Board.

§ 3. That Chapter 139, Section 19 of the Acts of the General Assembly, Commonwealth of Kentucky for 1932, be and the same is hereby repealed and re-enacted and when so repealed and re-enacted shall read as follows:

There is hereby created a Board of Barbers and Beautician Examiners to be known as the Kentucky State Board of Barbers and Beautician Examiners.

The Governor will appoint as members of said Board; two barbers, and two female beauticians, and in addition a secretary.

Each of the members of said Board, must at the time of his or her appointment be an actual resident of the Commonwealth of Kentucky, and must have practiced his or her profession for at least five years immediately prior to his or her appointment; however, the secretary need not have barber or beauty specialist qualifications.

Two members of the first board, one from each of the two professions, shall serve for two years from the date of his or her appointment and qualification, and the other two members appointed shall serve for four years from the time of his or her appointment and qualification. At the expiration of the term of office as members of the Board of the two

members appointed for two years, their successors shall be appointed for a term of four years.

The secretary shall be appointed by the Governor for a term of four years from the date of his or her appointment.

Appointments made to fill vacancies on the Board shall be made by the Governor, and the member so appointed shall be appointed for the unexpired term of his or her predecessor.

The Governor may at any time remove any member of said Board by revoking his or her appointment.

§ 4. That Chapter 139, Section 20, of the Acts of the General Assembly, Commonwealth of Kentucky, of 1932, be and the same is hereby repealed and re-enacted as to the first paragraph, so that said first paragraph, when repealed and re-enacted shall read as follows:

OFFICERS, COMPENSATION ; DUTIES AND POWERS.

The appointees to the board shall meet within ten days after their appointment and perfect an organization by electing a president and adopting reasonable rules and regulations for the transaction of business and for putting into effect the provisions of this act. It shall use and adopt a common seal for authentication of its orders and records and establish and keep an office in Louisville, or elsewhere in Kentucky.

§ 4. That should any section or part thereof, of these amendments should in the Courts of the State be declared to be unconstitutional, it shall not affect the validity or force of any other section or part thereof not declared to be unconstitutional.

By Mr. Fannin:

H. B. 373. An Act describing crimes against nature and fixing punishment therefor.

By Mr. Wylie:

H. B. 374. An Act to make unlawful the fraudulent setting back or disconnecting or failure to connect or causing the fraudulent setting back or disconnecting or failure to connect speedometers on motor vehicles for the purpose of effecting a sale of such vehicle.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

If any dealer in motor vehicles, or any other person, shall fraudulently change, set back, or disconnect or fail to connect, or cause to be changed, set back or to be disconnected, or cause the failure to connect the speedometer of any motor vehicle, for the purpose of effecting the sale of such motor vehicle or vehicles, he shall upon conviction thereof be adjudged guilty of a misdemeanor and shall be fined in the sum of not less than one hundred dollars nor more than three hundred dollars for each and every separate offense.

By Mr. Coleman:

H. Res. 38. A joint resolution of the House and Senate for the payment of certain witness fees named herein.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

A joint resolution for the payment of witness fees to Obey Bell, M. B. Meece, Sophia Dykes, Elizabeth Whitaker, J. F. Whitaker, J. G. Bell, Elmer Rainey, W. F. Dykes, Sam Farmer and M. F. Besley, for their attendance as witnesses in the Pulaski circuit court.

Whereas, the above named parties were duly subpoenaed by the Sheriff of Pulaski county as witnesses in the case of and their fees as witnesses were not paid, yet it was due them, because of the refusal of the State Au-

ditor to pay them on the ground their claims were barred by limitation.

Therefore, Be it Resolved by the General Assembly of the Commonwealth of Kentucky: That the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for the sum of \$2.00 to Obey Bell, \$2.00 to M. B. Meece, \$1.00 to Sophia Dukes, \$2.00 to Elizabeth Whitaker, \$2.00 to J. G. Bell, \$2.00 to J. F. Whitaker, \$2.00 to Sam Farmer, \$2.00 to Elmer Rainey, \$1.00 to W. F. Dykes, \$2.00 to W. F. Besley, for their respective attendance as witnesses in the above entitled action.

By Mr. Fannin:

H. Res. 39. Joint resolution for the relief of Cecil Pennington, Sheriff of Elliott County, Kentucky, for mileage and expenses incurred by him as agent for the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas, Cecil Pennington on August 9, 1934, was duly appointed by the Governor of the Commonwealth of Kentucky as agent of the Commonwealth to go to Burley, Idaho, to present requisition papers of this Commonwealth to the Governor of Idaho and to bring back Joe Middleton, a fugitive from the justice of this State, under indictment for murder in Elliott County, Kentucky; and,

Whereas, Cecil Pennington, under said appointment, proceeded to the State of Idaho and to the City of Burley to bring back said fugitive and found on arrival said fugitive, which he, Cecil Pennington, delivered to Elliott County, Kentucky, on August 18, 1934, and said fugitive was convicted and sentenced for a period of seventeen (17) years in Kentucky Reformatory; and,

Whereas, Cecil Pennington, in performing his said duty as agent aforesaid, incurred expenses and traveled 4,572

miles to and from Idaho at 6c per mile, total of Two Hundred Seventy-four Dollars and Thirty-two Cents (\$274.32); 10 meals for prisoner, Five Dollars (\$5.00); train fare for prisoner, Joe Middleton, Forty-two Dollars and Twenty-eight Cents (\$42.28); Fees paid P. D. Dade, Sheriff at Burley, Idaho, Twenty-five Dollars (\$25.00), making the total Three Hundred and Forty-six Dollars and Sixty Cents (\$346.60); Therefore,

Be it Resolved by the House of Representatives and the Senate:

That the said amount Three Hundred and Forty-six Dollars and Sixty Cents (\$346.60), be and is hereby appropriated to be paid to the said Cecil Pennington and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for the said amount and deliver the same to Cecil Pennington for the purpose aforesaid.

By Mr. Silvers:

H. Res. 40. Resolution authorizing Harry D. Kremer to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas, on September 7, 1935, Corporal C. L. Snow, a member of the Military Department of Kentucky, was operating an army truck then and there belonging to and in the service of the Military Department of Kentucky; and,

Whereas, it is claimed by Harry D. Kremer that Snow, on said date, drove said truck on the wrong side of public highway No. 25, in Fayette County, Kentucky, and while doing so, ran into and collided head-on with the passenger automobile of Harry D. Kremer, then and there being driven and operated by Harry D. Kremer, Jr., on the proper side of the highway, as claimed by Kremer; and,

Whereas, it is claimed that the impact of said army truck

with said passenger automobile greatly damaged the latter; and,

Whereas, it is claimed that the repair of said damages to said passenger automobile cost Harry D. Kremer the sum of \$225.35, and it is claimed that the said passenger automobile was damaged by said army truck to the extend of \$225.35; and,

Whereas, if such damage was sustained, the same should be repaid by the Commonwealth of Kentucky. Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Harry D. Kremer be, and he is hereby, authorized and permitted to sue the Commonwealth of Kentucky in the Franklin Circuit Court for such damages as he may have suffered, if any, by any wrongful injury to his automobile by reason of the collision mentioned herein, and in the event any judgment is received by said Kremer in said suit as damages to his automobile, same shall be paid by the Auditor by warrant on the Treasurer, but the judgment shall not exceed the sum of \$225.35, plus interest and costs, and the Commonwealth of Kentucky shall have the right to appeal as in any other civil case.

By Mr. Larimore:

H. Res. 41. Resolution authorizing John Wright to file suit against the Commonwealth of Kentucky and the State Highway Commission, or either.

Said resolution is as follows, viz.:

Whereas, on November 3, 1934, at or about the hour of twelve-thirty P. M., about one-fourth mile from Hart County court house in Hart County, at the North end of the Green River Bridge, John Wright was, while operating a truck owned by D. T. Martin and operated by the said John Wright

and Ked Puckett, thrown from said truck and severely and critically injured by reason of said truck being struck in the rear by a truck operated on Highway No. 31W by one of the employees of the State Highway Commission. Now, Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That John Wright be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either, in the Circuit Court of the county of his residence for such damages as he may have suffered, if any, by reason of said collision.

Ordered that said bills and resolution be printed and referred.

The hour of one-thirty o'clock P. M. having arrived, that being the hour for the Special Order of the Day, to wit: a bill entitled:

H. B. 40. An Act providing that Building Associations making loans with real estate mortgages as security shall have a Registered Architect as a member of the Board of Committee on Appraisals and, providing a penalty for violation, and stipulating the maximum fees to be paid such Registered Architects and, to repeal all conflicting laws.

The House took up for immediate consideration said bill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Building and Loan Associations having their place of business in counties with more than fifty thousand population and whose business consists either wholly or in

part of loaning money with real estate mortgages as security, shall always have as one member of the committee or board which evaluates and/or appraises the real estate which is offered as security for a loan, a person who is properly qualified as a Registered Architect under the laws of this Commonwealth, and no loan shall be made and/or no real estate accepted as security without the evaluation or appraisal of a Registered Architect being in the hands of the officers of the loaning institution.

§ 2. Every violation of, or failure to comply with, the provisions of this act shall subject the corporation or persons so offending to a fine of not less than twenty-five dollars nor more than one hundred dollars recoverable in any court of competent jurisdiction.

§ 3. Registered Architects engaged to make evaluations and/or appraisals of real estate in conformity with the intent of this act shall be paid a fee not to exceed ten dollars for each individual piece of real estate evaluated and/or appraised.

Mr. McDermott moved that said bill be laid on the table.

Said motion was agreed to.

And so said bill was tabled.

Mr. Evans moved that the privilege of the floor be extended to Mr. Hubert Meredith.

Said motion was agreed to.

The House resumed consideration of the unfinished business of yesterday, to wit: a bill entitled:

H. B. 34. An Act to repeal, amend and re-enact Section 1938a-5, Carroll's Kentucky Statutes, pertaining to and fixing the time for hunting rabbits.

(With a Committee Amendment thereto.)

Which was reconsidered on yesterday.

(For bill see House Journal of January 22.)

Said Committee amendment is as follows, viz.:

Amend H. B. 34 by adding at the end thereof the following language: "And it shall be unlawful to hunt with carbide lights or other means used to blind animals, at night."

Said amendment was agreed to.

Mr. Bowen offered the following amendments to said bill, viz.:

Amend H. B. 34 by adding thereto the words "and further provided that it shall be unlawful for any person to catch, kill, injure or pursue with such intent any rabbit on any Sunday."

Amend H. B. 34 by adding thereto the words "and further provided that no person shall shoot, kill or have in his possession more than twelve rabbits in any one day."

Amend H. B. 34, by adding thereto the following words and language as follows: "Any person violating any of the provisions of this act shall be fined not less than \$15.00 nor more than \$100.00."

Said amendments were each disagreed to.

Mr. Hammond offered the following amendment to said bill, viz.:

Amend H. B. 34 by adding Section thereto to read as follows: "No person shall use a gun that can be fired more

than three shots, that all persons shall plug automatic or repeating shot guns so as not to hold more than three shots."

Said amendment was disagreed to.

Mr. Gnau offered the following amendment to said bill, viz.:

"And provided further that skunks may be hunted only by hunters wearing gas masks and residing in Anderson County."

Said amendment was disagreed to.

Mr. Rice offered the following amendment to said bill, viz.:

Amend H. B. 34 by inserting after the word "traps" in line 7 of printed bill the words "or shoot rabbits."

Said amendment was disagreed to.

Dr. Davis moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Ferd A. Gnau	W. H. Miller
G. M. Ballard	Eugene Gough	John B. Mollett
Reuben J. Boling	C. L. Hammons	Tyler Munford
Douglas Bolling	W. L. Hampton, Jr.	J. C. Nickell
Ollie J. Bowen	Thomas W. Hines	Russell O'Neill
Wallace Brown	Price Holbrook	Mel Petry
Jas. C. Carter	Clyde S. Howard	Hobart Rayburn
Roscoe Claxon	Ira W. Hulette	L. K. Rice
George S. Clay	John M. Hunnicut	Wade H. Riley
J. A. Coleman	Ben W. Johnson	Carl Scheben
Roy Conway	J. H. Jones	Ray O. Shehan
Herbert Cook	R. T. Kirkman	Dr. B. F. Shields
Harry Davis	J. F. Ladd	P. L. Sidebottom
Sam Dever	Leslie Larrimore	Chester D. Silvers
Stanley S. Dickson	Robert E. Lee	H. C. Steely
George W. Dunlap	M. T. McCarthy	Henry Stewart
Howard G. Early	T. B. McConnell	Dr. H. S. Swope
Garland Embry	Lloyd MacDonald	W. R. Tapp
Clarence E. Evans	W. F. McGary	R. Van Bever, Jr.
Walter R. Fannin	Elmer McGlothen	S. J. Wagner
T. P. Fitzpatrick	C. S. Matherly	Joseph L. Wall
H. Myer Garner	Duke Mayfield	Charles Wylie
G. W. Garrett	G. S. Milam	

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Those who voted in the negative were—

Ben Grogan	J. C. Ramey	John C. Robinson
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Mr. Davis offered the following amendment to the title of said bill, viz.:

Amend title to H. B. 34 by adding after the word "time" in the title thereof the words "and manner."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Davis moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Shehan moved that a bill entitled:

H. B. 49. An Act amending Section 68b-1 to and including 68b-37, Kentucky Statutes, Carroll's 1930 Edition, entitled: "An Act to promote and protect livestock industries in Kentucky", etc.

Which was reported by the Committee on Agriculture No. 1, on January 22,

With the expression of opinion that said bill ought not to pass;

Be advanced to a reading, the report of the Committee to the contrary notwithstanding.

Said motion was disagreed to, lacking a majority necessary under the Rules of this House.

The yeas and nays being required thereon by Messrs. Davis and Shehan, were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	H. Myer Garner	Leslie Larrimore
G. M. Ballard	G. W. Garrett	Robert E. Lee
Reuben J. Boling	Jas. T. Hamilton	M. T. McCarthy
Dr. R. A. Byers	C. L. Hammons	Lloyd MacDonald
Jas. C. Carter	W. L. Hampton, Jr.	W. F. McGary
J. A. Coleman	Thomas W. Hines	Duke Mayfield
Harry Davis	Price Holbrook	W. H. Miller
Sam Dever	Clyde S. Howard	John B. Mollett
Garland Embry	John M. Hunnicut	J. C. Nickell

Russell O'Neill	Carl Scheben	Joseph L. Wall	
Mel Petry	Ray O. Shehan	Henry Ward	
J. C. Ramey	H. C. Steely	Charles Wylie	
Hobart Rayburn	R. Van Bever, Jr.		—38

Those who voted in the negative were—

Douglas Bolling	Chas. P. Farnsley	John Marshall	
Ollie J. Bowen	Eugene Gough	Wade H. Riley	
Wallace Brown	Ira W. Hulette	Joe E. Robinson	
Roscoe Claxon	Ben W. Johnson	John C. Robinson	
George S. Clay	J. H. Jones	Dr. B. F. Shields	
Roy Conway	O. C. Jones	P. L. Sidebottom	
Herbert Cook	R. T. Kirkman	S. J. Wagner	
Stanley S. Dickson	J. F. Ladd	L. R. Wells	
George W. Dunlap	T. B. McConnell		
Howard G. Early	Elmer McGlothen		—28

And so said bill was rejected.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 25. An Act establishing as part of the primary system of the State highways a road from Frenchburg in Menifee County via Denniston, Pomroyton, Valerie, Gosneyville, Stillwater, Campton, Vortex and Flat to Booneville in Owsley County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Frenchburg in Menifee County via Denniston, Pomroyton, Valerie, Gosneyville, Stillwater, Campton, Vortex and Flat to Booneville in Owsley County.

§ 2. That the construction, maintenance, supervision

and control of said roads shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereon, establishing and creating the primary system of State highways, to the same effect as if said road had been named in the original act as one of the projects of the primary system of State highways as provided therein.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	T. P. Fitzpatrick	Robert E. Lee
G. M. Ballard	H. Myer Garner	M. T. McCarthy
Reuben J. Boling	G. W. Garrett	T. B. McConnell
Douglas Bolling	Eugene Gough	Lloyd MacDonald
Wallace Brown	Ben Grogan	W. F. McGary
Dr. R. A. Byers	C. L. Hammons	Elmer McGlothen
Jas. C. Carter	W. L. Hampton, Jr.	John Marshall
Roscoe Claxon	Thomas W. Hines	Duke Mayfield
George S. Clay	Price Holbrook	G. S. Milam
J. A. Coleman	Clyde S. Howard	W. H. Miller
Roy Conway	Ira W. Hulette	John B. Mollett
Herbert Cook	John M. Hunnicut	Tyler Munford
Harry Davis	Ben W. Johnson	J. C. Nickell
Sam Dever	J. H. Jones	Russell O'Neill
Stanley S. Dickson	O. C. Jones	J. C. Ramey
George W. Dunlap	R. T. Kirkman	Hobart Rayburn
Howard G. Early	J. F. Ladd	L. K. Rice
Garland Embry	Leslie Larrimore	Wade H. Riley

Joe E. Robinson	P. L. Sidebottom	Joseph L. Wall
John C. Robinson	Chester D. Silvers	Henry Ward
Carl Scheben	H. C. Steely	L. R. Wells
Ray O. Shehan	R. Van Bever, Jr.	Charles Wylie
Dr. B. F. Shields	S. J. Wagner	John Kirtley

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There voted in the negative—

Chas. P. Farnsley

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Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 28. An Act establishing as part of the primary system of State highways a road from Hazel Green in Wolfe County via Toliver to Gosneyville in Wolfe County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Hazel Green in Wolfe County, via Toliver, to Gosneyville in Wolfe County.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways, to the same effect as if said road had been named in the orig-

inal Act as one of the projects of the primary system of State highways as provided therein.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 29. An Act establishing as part of the primary system of State highways a road from Vortex in Wolfe County via Hollandsville and Bethany Orphanage to Vancleave in Breathitt County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as part of the primary system of State highways in the Commonwealth of Kentucky a road leading from Vortex in Wolfe County, via Hollandsville and Bethany Orphanage, to Vancleave in Breathitt County.

§ 2. The construction, maintenance, supervision and control of said roads shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways to the same effect as if said road had been included in the original Act as one of the projects of the primary system of State highways as provided therein.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid,

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 47. An Act adding and establishing as part of the primary system of the state highways, a road commencing at the Mayfield and Wickliffe highway at Lowes, Graves County, Kentucky, running thence in a southerly direction to Fancy Farm; thence in a southerly direction to Dublin, Kentucky; thence in a southerly direction to the Highway No. 58, near Crawford's store.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be added and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky, a road commencing at the Mayfield and Wickliffe highway at Lowes, Graves County, Kentucky, running thence in a southerly direction to Fancy Farm; thence in a southerly direction to Dublin, Kentucky; thence in a southerly direction to Highway No. 58, near Crawford's store. The distance is approximately twelve miles.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all rights, privileges, benefits, and conditions of all the laws now in force or which may hereafter be enacted affecting the primary system.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of

said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 53. An Act to add to the primary system of public roads, a road leading from United States Highway 62 at White Plains, Hopkins County, past Mt. Carmel Church and Red Hill, thence to connect with the nearest point of the Hopkinsville-Greenville road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as part of the primary system of State highways of the Commonwealth of Kentucky, a road beginning at the town of White Plains, Hopkins County and running southwardly by Mt. Carmel Church and Red Hill and connecting thence with the nearest point on the Hopkinsville-Greenville road in Christian County, Kentucky.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways, the same as though said road had been named in said original Act as one of the projects of said primary system of highways.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 61. An Act to establish as a part of the primary system of highways of the Commonwealth of Kentucky, a road beginning at that point on the Pilot Oak-Tri City highway in Graves County, where the magisterial district line between magisterial district No. 1 and magisterial district No. 2 crosses said highway, and running south with said magisterial district line to the Tennessee line.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as a part of the primary system of highways of the Commonwealth of Kentucky a road in Graves County beginning at a point on the Pilot Oak-Tri City highway, where the division line between the first magisterial district and the second magisterial district crosses said highway, and running south with said division line between magisterial district No. 1 and magisterial district No. 2 to the Tennessee line. Said project thus established to be a part of the primary system of highways of the Commonwealth of Kentucky and entitled to all privileges, benefits and conditions given by any act of law as may now or hereafter be in effect relating to the primary system of highways in the Commonwealth of Kentucky.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.;

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 63. An Act establishing and creating as a part of the primary system of the State highways of the Commonwealth of Kentucky, a road leading from the bridge across Cumberland river, south of Flat Lick along the east side of Cumberland river to the Elys depot.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of the State highways of the Commonwealth of Kentucky a road beginning at a point a few yards north of the bridge across Cumberland river at Flat Lick, Knox County, Kentucky, on U. S. Highway No. 25E, and running in a southeastern direction following the old State road between the L. & N. Railroad Company's right-of-way and Cumberland river for about five-eighths ($\frac{5}{8}$) of a mile; thence crossing Louisville & Nashville Railroad Company's right-of-way and then running a southeastern direction to the Elys depot in Elys, Knox County, Kentucky, a distance of about two-eighths ($\frac{2}{8}$) of a mile.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the terms and conditions set out and provided in Chapter 17 of the Acts of the General Assembly of Kentucky of 1920, establishing and creating a primary system of State highways, the same as though said road had been named in said original act, as one of the projects of said primary system of State highways.

§ 3. The Highway Commission is hereby directed to assign the above road an appropriate project number.

§ 4. This road shall be officially known and designated as the Noah Smith Trail.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid—

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled :

H. B. 66. An Act to establish as part of the primary system of public roads of the Commonwealth of Kentucky, a road beginning at the Public Square in Sharon Grove running north via Mt. Sharon and intersecting Clifty and Lewisburg road at Cliff Hill Church.

Said bill is as follows, viz. :

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the Primary System of the Highways of the Commonwealth of Kentucky, a road beginning at Sharon Grove, Kentucky, and intersecting the Clifty and Lewisburg road at Cliff Hill Church.

Said project thus established to be entitled to all privileges and benefits governing the Primary System of Public roads of this Commonwealth.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz. :

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid—

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 67. An Act establishing as a part of the primary system of public roads of the Commonwealth of Kentucky a road in Todd County, Kentucky, known as the Bells Chapple road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the Primary System of public roads of the Commonwealth of Kentucky, a road beginning at the Davis Mill road at the Henry Thurston place running in a Southwest direction, via Bells Chapple Church and intersecting the Kirkmansville-Trenton road at or near the farm of E. P. Bell. Said project thus established to be entitled to all privileges and benefits governing the Primary System of Public Roads of the Commonwealth of Kentucky.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	George S. Clay	Howard G. Early
G. M. Ballard	J. A. Coleman	Garland Embry
Reuben J. Boling	Roy Conway	T. P. Fitzpatrick
Douglas Bolling	Herbert Cook	H. Myer Garner
Wallace Brown	Harry Davis	G. W. Garrett
Dr. R. A. Byers	Sam Dever	Eugene Gough
Jas. C. Carter	Stanley S. Dickson	Ben Grogan
Roscoe Claxon	George W. Dunlap	C. L. Hammons

W. L. Hampton, Jr.	Lloyd MacDonald	Joe E. Robinson
Thomas W. Hines	W. F. McGary	John C. Robinson
Price Holbrook	Elmer McGlothen	Carl Scheben
Clyde S. Howard	John Marshall	Ray O. Shehan
Ira W. Hulette	Duke Mayfield	Dr. B. F. Shields
John M. Hunnicut	G. S. Milam	P. L. Sidebottom
Ben W. Johnson	W. H. Miller	Chester D. Silvers
J. H. Jones	John B. Mollett	H. C. Steely
O. C. Jones	Tyler Munford	R. Van Bever, Jr.
R. T. Kirkman	J. C. Nickell	S. J. Wagner
J. F. Ladd	Russell O'Neill	Joseph L. Wall
Leslie Larrimore	J. C. Ramey	Henry Ward
Robert E. Lee	Hobart Rayburn	L. R. Wells
M. T. McCarthy	L. K. Rice	Charles Wylie
T. B. McConnell	Wade H. Riley	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid—

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 76. An Act establishing as a State Primary Road, a road leading from Providence, Webster County, Kentucky, on State Primary Road Projects 2-A and 74, to intersect the Madisonville and Fredonia Road State Primary Road Project Nos. 317 and 417 at or near Rufus, in Caldwell County, Kentucky, a distance of approximately eighteen miles, and designating said road as State Primary Project No.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, for the purpose of completing the primary road connecting State Primary Road Projects 2-A and 74 with State Primary Road Projects 317 and 417; there is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road leading from Providence, in Webster County, Kentucky, on State Primary Road Projects 2-A and 74, by the way of the Montgomery Ford Bridge on Tradewater River, to intersect State Primary Road Projects 317 and 417 at or near Rufus, in Caldwell County, Kentucky, a distance of approximately eighteen miles. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating the primary system of State highways.

§ 2. Said road shall be designated and known as State Primary Road Project No.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Wallace Brown	George S. Clay
G. M. Ballard	Dr. R. A. Byers	J. A. Coleman
Reuben J. Boling	Jas. C. Carter	Roy Conway
Douglas Bolling	Roscoe Claxon	Herbert Cook

Harry Davis	J. H. Jones	J. C. Ramey
Sam Dever	O. C. Jones	Hobart Rayburn
Stanley S. Dickson	R. T. Kirkman	L. K. Rice
George W. Dunlap	J. F. Ladd	Wade H. Riley
Howard G. Early	Leslie Larrimore	Joe E. Robinson
Garland Embry	Robert E. Lee	John C. Robinson
T. P. Fitzpatrick	M. T. McCarthy	Carl Scheben
H. Myer Garner	T. B. McConnell	Ray O. Shehan
G. W. Garrett	Lloyd MacDonald	Dr. B. F. Shields
Eugene Gough	W. F. McGary	P. L. Sidebottom
Ben Grogan	Elmer McGlothen	Chester D. Silvers
C. L. Hammons	John Marshall	H. C. Steely
W. L. Hampton, Jr.	Duke Mayfield	R. Van Bever, Jr.
Thomas W. Hines	G. S. Milam	S. J. Wagner
Price Holbrook	W. H. Miller	Joseph L. Wall
Clyde S. Howard	John B. Mollett	Henry Ward
Ira W. Hulette	Tyler Munford	L. R. Wells
John M. Hunnicut	J. C. Nickell	Charles Wylie
Ben W. Johnson	Russell O'Neill	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 80. An Act establishing as a part of the primary system of public roads of the Commonwealth of Kentucky, a road in Todd county known as the Daysville and Penicktown road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is established as a part of the primary system of public roads of the Commonwealth of Kentucky, a road starting at U. S. Highway No. 68, about one-fourth (1/4) of a mile west of Daysville, in Todd County and intersecting the Elkton-Allensville road near the farm of Waller and Weathers.

To be entitled to all privileges and benefits governing the Primary System of Public roads of the Commonwealth of Kentucky.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Harry Davis	W. L. Hampton, Jr.
G. M. Ballard	Sam Dever	Thomas W. Hines
Reuben J. Boling	Stanley S. Dickson	Price Holbrook
Douglas Bolling	George W. Dunlap	Clyde S. Howard
Wallace Brown	Howard G. Early	Ira W. Hulette
Dr. R. A. Byers	Garland Embry	John M. Hunnicut
Jas. C. Carter	T. P. Fitzpatrick	Ben W. Johnson
Roscoe Claxon	H. Myer Garner	J. H. Jones
George S. Clay	G. W. Garrett	O. C. Jones
J. A. Coleman	Eugene Gough	R. T. Kirkman
Roy Conway	Ben Grogan	J. F. Ladd
Herbert Cook	C. L. Hammons	Leslie Larrimore

Robert E. Lee	Tyler Munford	Dr. B. F. Shields
M. T. McCarthy	J. C. Nickell	P. L. Sidebottom
T. B. McConnell	Russell O'Neill	Chester D. Silvers
Lloyd MacDonald	J. C. Ramey	H. C. Steely
W. F. McGary	Hobart Rayburn	R. Van Bever, Jr.
Elmer McGlothen	L. K. Rice	S. J. Wagner
John Marshall	Wade H. Riley	Joseph L. Wall
Duke Mayfield	Joe E. Robinson	Henry Ward
G. S. Milam	John C. Robinson	L. R. Wells
W. H. Miller	Carl Scheben	Charles Wylie
John B. Mollett	Ray O. Shehan	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 81. An Act establishing as a part of the Primary System of Public Roads of the Commonwealth of Kentucky a road in Todd county known as the Chestnut Community Road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is established as a part of the primary system of public roads of the Commonwealth of Kentucky, a road leaving State Highway No. 181 at Rudd's Store about three

miles south of the town of Elkton and running in an easterly direction crossing the Elk Fork of Red River between the farms of Power and E. L. Traughber and connecting with the New Allensville road on the property between Traughber and Keeling, thence with the Allensville road eastward to the east side of Traughber's farm, thence northward over a new road to the Elkton-Allensville Highway. To be entitled to all privileges and benefits accorded other roads of State Highway System.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Garland Embry	J. F. Ladd
G. M. Ballard	T. P. Fitzpatrick	Leslie Larrimore
Reuben J. Boling	H. Myer Garner	Robert E. Lee
Douglas Bolling	G. W. Garrett	M. T. McCarthy
Wallace Brown	Eugene Gough	T. B. McConnell
Dr. R. A. Byers	Ben Grogan	Lloyd MacDonald
Jas. C. Carter	C. L. Hammons	W. F. McGary
Roscoe Claxon	W. L. Hampton, Jr.	Elmer McGlothen
George S. Clay	Thomas W. Hines	John Marshall
J. A. Coleman	Price Holbrook	Duke Mayfield
Roy Conway	Clyde S. Howard	G. S. Milam
Herbert Cook	Ira W. Hulette	W. H. Miller
Harry Davis	John M. Hunnicut	John B. Mollett
Sam Dever	Ben W. Johnson	Tyler Munford
Stanley S. Dickson	J. H. Jones	J. C. Nickell
George W. Dunlap	O. C. Jones	Russell O'Neill
Howard G. Early	R. T. Kirkman	J. C. Ramey

Hobart Rayburn	Ray O. Shehan	S. J. Wagner
L. K. Rice	Dr. B. F. Shields	Joseph L. Wall
Wade H. Riley	P. L. Sidebottom	Henry Ward
Joe E. Robinson	Chester D. Silvers	L. R. Wells
John C. Robinson	H. C. Steely	Charles Wylie
Carl Scheben	R. Van Bever, Jr.	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 82. An Act establishing as a part of the Primary System of Public Roads of the Commonwealth of Kentucky a road in Todd and Christian counties known as the Millers Mill road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is established as a part of the Primary System of Public roads of the Commonwealth of Kentucky, a road known as the Millers Mill road beginning in U. S. Highway No. 41 in Trenton, Kentucky, and following as near as practicable the old Millers Mill road to Barkers Mill in Christian County via Mail Route road and by residence of W. O. Watts.

To be entitled to all privileges and benefits governing the Primary System of Public roads of the Commonwealth of Kentucky.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 85. An Act establishing as part of the primary system of the State Highways of the Commonwealth a road in Franklin County, Kentucky, known as the Gregory Pike, same beginning at the point in the Peaksmill and Elmvile Road where the Gregory Pike as it now exists intersects it and continuing in a northern direction along the present location of the said Gregory Pike a distance of about $2\frac{1}{2}$ miles to a point where the said Gregory Pike as now located intersects the survey of the new road leading from the Stamping Ground and Owenton Road to the Owenton and Frankfort Road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established a part of the primary road system of the State Highways of the Commonwealth of Kentucky, a road in Franklin County, Kentucky, known as the "Gregory Pike", beginning at the point where the Gregory Pike, as now located, intersects the Peaksmill and Elmvile road and continuing in a northern direction along the present location of the said Gregory Pike a distance of about $2\frac{1}{2}$ miles to a point where the said Gregory Pike, as now located, intersects the survey of the new road leading from the Stamping Ground and Owenton Road to the Frankfort and Owenton Road.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	G. W. Garrett	W. F. McGary
G. M. Ballard	Eugene Gough	Elmer McGlothen
Reuben J. Boling	Ben Grogan	John Marshall
Douglas Bolling	C. L. Hammons	Duke Mayfield
Wallace Brown	W. L. Hampton, Jr.	G. S. Milam
Dr. R. A. Byers	Thomas W. Hines	W. H. Miller
Jas. C. Carter	Price Holbrook	John B. Mollett
Roscoe Claxon	Clyde S. Howard	Tyler Munford
George S. Clay	Ira W. Hulette	J. C. Nickell
J. A. Coleman	John M. Hunnicut	Russell O'Neill
Roy Conway	Ben W. Johnson	J. C. Ramey
Herbert Cook	J. H. Jones	Hobart Rayburn
Harry Davis	O. C. Jones	L. K. Rice
Sam Dever	R. T. Kirkman	Wade H. Riley
Stanley S. Dickson	J. F. Ladd	Joe E. Robinson
George W. Dunlap	Leslie Larrimore	John C. Robinson
Howard G. Early	Robert E. Lee	Carl Scheben
Garland Embry	M. T. McCarthy	Ray O. Shehan
T. P. Fitzpatrick	T. B. McConnell	Dr. B. F. Shields
H. Myer Garner	Lloyd MacDonald	P. L. Sidebottom

Chester D. Silvers	S. J. Wagner	L. R. Wells
H. C. Steely	Joseph L. Wall	Charles Wylie
R. Van Bever, Jr.	Henry Ward	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 86. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point in Highway 55 at the village of Cane Valley in Adair County, and running in a western direction about four and one-half miles to a point in State Highway 61 near Hatcher's Store in Adair County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point in Highway 55 at the village of Cane Valley in Adair County, and running in a western direction about four and one-half miles to a point in State Highway 61 near Hatcher's Store in Adair County.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and con-

ditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 87. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point in Highway 61 at the Town of Breeding in Adair County and running in an Eastern direction across the Adair County line and through LaSee Postoffice in Cumberland County to the Amandaville State road that leads to Highway 61, intersecting said road at a point south of Amandaville.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and there now is established as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point in Highway 61 at the Town of Breeding in Adair County and running in an Eastern direction across the Adair County line and through LeSee Postoffice in Cumberland County to the Amandaville State road that leads to Highway 61, intersecting said road at a point South of Amandaville.

§ 2. That the road now established as a part of the primary system of highways of the Commonwealth of Kentucky shall be entitled to all the rights, privileges, benefits, and con-

ditions of all the laws now in force or which may hereafter be enacted affecting the primary road system.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGarv	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 88. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at Logansport and running to Thoroughfair Bridge.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of state highways of the Commonwealth of Kentucky a road leading from a point on State Highway No. 71 at Logansport, Kentucky, via Reed's Ferry through Little Bend to Thoroughfair Bridge.

§ 2. This road thus established to be entitled to receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 89. An Act establishing a road from the Wilson Warehouse Road in Caldwell County, beginning at the J. H. Watson Farm, and running to and intersecting the Dawson and Charleston Road at the Eison Place on said Road in Caldwell County, running along the old Evans Mill Road as a State primary road, and designating said project as Project No.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky, a road to lead from the Wilson Warehouse Road in Caldwell County, beginning at the J. H. Watson Farm, via the old Evans Mill Road Route, to and intersecting the Dawson and Charleston Road at the Eison Place on said road, in Caldwell County, Kentucky. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways.

§ 2. Said project shall be designated and known as Project No.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were--

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled;

H. B. 92. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways, and directing and providing that the costs of construction thereof shall be paid as provided in Chapter 178, of the Acts of 1928 (Section 4356t-8, Kentucky Statutes).

Whereas, the State Highway Commission has constructed Federal Highway No. 60 up to the corporate limits of the city of Grayson on both sides thereof, and

Whereas, the city council of said city of Grayson, prior to the enactment of Chapter 178 of the Acts of 1928, has constructed or caused to be constructed, by an ordinance duly enacted after the construction of Federal Highway No. 60, streets over the within described route through said city, upon the 10-year-bond plan, as provided by Kentucky Statutes, Section 4356t-8, of the same type of construction of said Highways No. 60, on each side of said city, and

Whereas, said city of Grayson now desires to avail itself of the provisions of Chapter 178 of the Acts of 1928 (Section 4356t-8, Kentucky Statutes), now therefore,

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the State Highways primary system of highways in this Commonwealth the following route, to-wit:

From a point beginning at the northwest corporate limits of the city of Grayson where Lansdowne Avenue joins and connects with Federal Highway No. 60 near Christian Normal Institute; thence South over Lansdowne Avenue to Main Street; thence East on Main Street to Robert and Mary Avenue at Prichard High School, thence north over Robert and Mary Avenue to the Northwest corporation limits of said city where said Robert and Mary Avenue joins and connects with said Federal Highway No. 60.

§ 2. The Commonwealth of Kentucky, by and through its agent, the State Highway Commission of Kentucky, be and it is hereby authorized and directed to ascertain the actual cost of construction of the above described route through said city and within the corporate limits thereof, and after having done so, said Highway Commission shall certify its findings of the cost of construction of said Highway through said city to the Auditor of Public Accounts, who thereupon be and he is hereby authorized and directed to draw his warrant upon the State Treasurer payable to the order of the City of Grayson for such sum as shall be certified to him by said State Highway Commission and as provided in Chapter 178 of the Acts of 1928.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Harry Davis	W. L. Hampton, Jr.
G. M. Ballard	Sam Dever	Thomas W. Hines
Reuben J. Boling	Stanley S. Dickson	Price Holbrook
Douglas Bolling	George W. Dunlap	Clyde S. Howard
Wallace Brown	Howard G. Early	Ira W. Hulette
Dr. R. A. Byers	Garland Embry	John M. Hunnicut
Jas. C. Carter	T. P. Fitzpatrick	Ben W. Johnson
Roscoe Claxon	H. Myer Garner	J. H. Jones
George S. Clay	G. W. Garrett	O. C. Jones
J. A. Coleman	Eugene Gough	R. T. Kirkman
Roy Conway	Ben Grogan	J. F. Ladd
Herbert Cook	C. L. Hammons	Leslie Larrimore

Robert E. Lee	Tyler Munford	Dr. B. F. Shields
M. T. McCarthy	J. C. Nickell	P. L. Sidebottom
T. B. McConnell	Russell O'Neill	Chester D. Silvers
Lloyd MacDonald	J. C. Ramey	H. C. Steely
W. F. McGary	Hobart Rayburn	R. Van Bever, Jr.
Elmer McGlothen	L. K. Rice	S. J. Wagner
John Marshall	Wade H. Riley	Joseph L. Wall
Duke Mayfield	Joe E. Robinson	Henry Ward
G. S. Milam	John C. Robinson	L. R. Wells
W. H. Miller	Carl Scheben	Charles Wylie
John B. Mollett	Ray O. Shehan	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 93. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways, and describing and providing that the cost of construction thereof shall be paid as provided in Chapter 178, of the Acts of 1928 (Section 4356t-8, Kentucky Statutes):

Whereas, the State Highway Commission has constructed Federal Highway No. 60 up to the corporation limits of the city of Olive Hill on both sides thereof, and

Whereas, the city council of said city of Olive Hill, prior to the enactment of Chapter 178 of the Acts of 1928, has con-

structed or caused to be constructed, by an ordinance duly enacted after the construction of Federal Highway No. 60, streets over the within described route through said city, upon the ten-year-bond plan, as provided by Kentucky Statutes, Section 4356t-8, of the same type of construction of said Highway No. 60, on each side of said city, and

Whereas, said city of Olive Hill now desires to avail itself of the provisions of Chapter 178 of the Acts of 1928 (Section 4356t-8, Kentucky Statutes), now: Therefore,

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the State Highway primary system of highways in this Commonwealth the following route, to-wit:

From a point beginning at the west of the corporated limits of the city of Olive Hill, near the plant of the General Refractories Company, then following Main Street through the city of Olive Hill for a distance of approximately one and one-half miles to the east corporation limits of said city near the residence of Charlie McCoy, where it joins and connects with Federal Highway No. 60.

§ 2. The Commonwealth of Kentucky, by and through its agent, the State Highway Commission of Kentucky, be and it is hereby authorized and directed to ascertain the actual cost of construction of the above described route through said city and within the incorporation thereof, and after having done so, said Highway Commission shall certify its findings of the cost of construction of said highway through said city to the Auditor of Public Accounts, who thereupon be and he is hereby authorized and directed to draw his warrant upon the State Treasurer payable to the order of the city of Olive Hill for such sum as shall be certified to him by said State Highway Commission and as provided in Chapter 178 of the Acts of 1928.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 94. An Act to add to the Primary Road System a certain road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby added to the Primary Road System of the State of Kentucky a road described as follows:

Beginning at the limits of the City of Olive Hill, Ky., by the way of Tick Ridge, down Tar Kiln to Sinking Creek by way of the residence of Ballard Spark's place to residence of James McFarland down Mank Ridge to residence of Sam Green; thence to forks of Caney and from there to store of James W. White.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920 as amended to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State Highways as provided therein.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 97. An Act to add to the Primary Road System a road, Crockett to Isonville.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the Primary Road System a certain road beginning at Crockett in Morgan County, thence up Elkfork Creek, thence crossing the divide, thence down Newcomb Creek to Isonville, Kentucky, in Elliott County.

§ 2. The construction, maintenance and supervision of said road is to be under the supervision of the State Highway Commission of the Commonwealth of Kentucky according to Chapter 17 of the Act of 1928.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Dr. R. A. Byers	Roy Conway
G. M. Ballard	Jas. C. Carter	Herbert Cook
Reuben J. Boling	Roscoe Claxon	Harry Davis
Douglas Bolling	George S. Clay	Sam Dever
Wallace Brown	J. A. Coleman	Stanley S. Dickson

George W. Dunlap	R. T. Kirkman	Hobart Rayburn
Howard G. Early	J. F. Ladd	L. K. Rice
Garland Embry	Leslie Larrimore	Wade H. Riley
T. P. Fitzpatrick	Robert E. Lee	Joe E. Robinson
H. Myer Garner	M. T. McCarthy	John C. Robinson
G. W. Garrett	T. B. McConnell	Carl Scheben
Eugene Gough	Lloyd MacDonald	Ray O. Shehan
Ben Grogan	W. F. McGary	Dr. B. F. Shields
C. L. Hammons	Elmer McGlothen	P. L. Sidebottom
W. L. Hampton, Jr.	John Marshall	Chester D. Silvers
Thomas W. Hines	Duke Mayfield	H. C. Steely
Price Holbrook	G. S. Milam	R. Van Bever, Jr.
Clyde S. Howard	W. H. Miller	S. J. Wagner
Ira W. Hulette	John B. Mollett	Joseph L. Wall
John M. Hunnicut	Tyler Munford	Henry Ward
Ben W. Johnson	J. C. Nickell	L. R. Wells
J. H. Jones	Russell O'Neill	Charles Wylie
O. C. Jones	J. C. Ramey	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 98. An Act establishing as part of the Primary Road System a road in Lawrence and Carter counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky;

§ 1. That there is hereby established as a part of the primary road system a certain road in Lawrence County and described as follows:

Beginning at the Lawrence County line near and extending by Webbville, thence up Dry Fork to the head of Cherokee Fork of Big Blain, thence down said Cherokee Fork to Big Blain, thence up Big Blain to Blain Postoffice, connecting with the Louisa and Sandy Hook road at Blain, Kentucky.

§ 2. The construction, maintenance and supervision of this road shall be under the supervision of the State Highway Commission of Kentucky as prescribed by Chapter 17 of the Acts of 1920, establishing a Primary Road System in the Commonwealth of Kentucky.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Harry Davis	W. L. Hampton, Jr.
G. M. Ballard	Sam Dever	Thomas W. Hines
Reuben J. Boling	Stanley S. Dickson	Price Holbrook
Douglas Bolling	George W. Dunlap	Clyde S. Howard
Wallace Brown	Howard G. Early	Ira W. Hulette
Dr. R. A. Byers	Garland Embry	John M. Hunnicut
Jas. C. Carter	T. P. Fitzpatrick	Ben W. Johnson
Roscoe Claxon	H. Myer Garner	J. H. Jones
George S. Clay	G. W. Garrett	O. C. Jones
J. A. Coleman	Eugene Gough	R. T. Kirkman
Roy Conway	Ben Grogan	J. F. Ladd
Herbert Cook	C. L. Hammons	Leslie Larrimore

Robert E. Lee	Tyler Munford	Dr. B. F. Shields
M. T. McCarthy	J. C. Nickell	P. L. Sidebottom
T. B. McConnell	Russell O'Neill	Chester D. Silvers
Lloyd MacDonald	J. C. Ramey	H. C. Steely
W. F. McGary	Hobart Rayburn	R. Van Bever, Jr.
Elmer McGlothen	L. K. Rice	S. J. Wagner
John Marshall	Wade H. Riley	Joseph L. Wall
Duke Mayfield	Joe E. Robinson	Henry Ward
G. S. Milam	John C. Robinson	L. R. Wells
W. H. Miller	Carl Scheben	Charles Wylie
John B. Mollett	Ray O. Shehan	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 99. An Act to add to the Primary Road System a road leading from Isomville in Elliott County to Willard in Carter County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby added to the primary road system a certain road more fully described as follows:

Beginning at or near Isomville in Elliott County, then extending to and down Little Fork, by the way of Culver, Fielden and Dobbins, thence by the most direct route to the

Hitchins-Webbville road now a part of the Primary Road System.

§ 2. The construction, maintenance and supervision of this road shall be under the supervision of the State Highway Commission of Kentucky as prescribed by Chapter 17 of the Acts of 1920 establishing a Primary Road System in the Commonwealth of Kentucky.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	T. P. Fitzpatrick	Robert E. Lee
G. M. Ballard	H. Myer Garner	M. T. McCarthy
Reuben J. Boling	G. W. Garrett	T. B. McConnell
Douglas Bolling	Eugene Gough	Lloyd MacDonald
Wallace Brown	Ben Grogan	W. F. McGary
Dr. R. A. Byers	C. L. Hammons	Elmer McGlothen
Jas. C. Carter	W. L. Hampton, Jr.	John Marshall
Roscoe Claxon	Thomas W. Hines	Duke Mayfield
George S. Clay	Price Holbrook	G. S. Milam
J. A. Coleman	Clyde S. Howard	W. H. Miller
Roy Conway	Ira W. Hulette	John B. Mollett
Herbert Cook	John M. Hunnicut	Tyler Munford
Harry Davis	Ben W. Johnson	J. C. Nickell
Sam Dever	J. H. Jones	Russell O'Neill
Stanley S. Dickson	O. C. Jones	J. C. Ramey
George W. Dunlap	R. T. Kirkman	Hobart Rayburn
Howard G. Early	J. F. Ladd	L. K. Rice
Garland Embry	Leslie Larrimore	Wade H. Riley

Joe E. Robinson	P. L. Sidebottom	Joseph L. Wall
John C. Robinson	Chester D. Silvers	Henry Ward
Carl Scheben	H. C. Steely	L. R. Wells
Ray O. Shehan	R. Van Bever, Jr.	Charles Wylie
Dr. B. F. Shields	S. J. Wagner	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 100. An Act to add to the Primary Road System a certain road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby added to the Primary Road System a certain road in Carter and Elliott counties and more fully described as follows:

Beginning at the junction of the improved highway at or near Limestone in Carter County and extending up Thompson Branch and down the waters of Sinking Creek to Gimlet, Kentucky, in Elliott County, thence down Mauk Ridge by the store of S. R. Green, thence by the way of Kentucky Gap to the store of James F. White and intersecting with the Grayson and Sandy Hook road.

§ 2. The construction, maintenance and supervision of the road shall be under the supervision of the State Highway Commission of Kentucky as prescribed by Chapter 17 of the Acts of 1920 establishing a Primary Road System in the Commonwealth of Kentucky.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	G. W. Garrett	W. F. McGary
G. M. Ballard	Eugene Gough	Elmer McGlothen
Reuben J. Boling	Ben Grogan	John Marshall
Douglas Bolling	C. L. Hammons	Duke Mayfield
Wallace Brown	W. L. Hampton, Jr.	G. S. Milam
Dr. R. A. Byers	Thomas W. Hines	W. H. Miller
Jas. C. Carter	Price Holbrook	John B. Mollett
Roscoe Claxon	Clyde S. Howard	Tyler Munford
George S. Clay	Ira W. Hulette	J. C. Nickell
J. A. Coleman	John M. Hunnicut	Russell O'Neill
Roy Conway	Ben W. Johnson	J. C. Ramey
Herbert Cook	J. H. Jones	Hobart Rayburn
Harry Davis	O. C. Jones	L. K. Rice
Sam Dever	R. T. Kirkman	Wade H. Riley
Stanley S. Dickson	J. F. Ladd	Joe E. Robinson
George W. Dunlap	Leslie Larrimore	John C. Robinson
Howard G. Early	Robert E. Lee	Carl Scheben
Garland Embry	M. T. McCarthy	Ray O. Shehan
T. P. Fitzpatrick	T. B. McConnell	Dr. B. F. Shields
H. Myer Garner	Lloyd MacDonald	P. L. Sidebottom

Chester D. Silvers	S. J. Wagner	L. R. Wells
H. C. Steely	Joseph L. Wall	Charles Wylie
R. Van Bever, Jr.	Henry Ward	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 102. An Act to establish as part of the primary system of the highways of the Commonwealth of Kentucky a road to lead from Hickman, Fulton County, Kentucky, to the Kentucky-Tennessee State line at or near the location of the present Troy Road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the principal system of State Highways of the Commonwealth of Kentucky a road to lead from Hickman, Fulton County, Kentucky, to the Kentucky-Tennessee State line at or near the location of the present Troy Road; the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter No. 17 of the Acts of the General Assembly of 1920, establishing and creating the principal system of State Highways.

§ 2. Said road shall be designated and known as Project No.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 103. An Act to establish as a part of the primary system of the highways of the Commonwealth of Kentucky a road from a point on State Highway No. 94 at or near the present so-called No. 9 Lake Road to the Mississippi River at a point known as Mabel, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the principal system of State Highways of the Commonwealth of Kentucky a road to lead from a point on State Highway No. 94 at or near the present so-called No. 9 Lake Road to the Mississippi River at a point known as Mabel, Kentucky; the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter No. 17 of the Acts of the General Assembly of 1920, establishing and creating the principal system of State Highways.

§ 2. Said road shall be designated and known as Project No.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 104. An Act to establish as part of the primary system of the highways of the Commonwealth of Kentucky, a road to lead from Hickman, Fulton County, Kentucky, to Hailwell, Hickman County, Kentucky, at or near the location of the present upper river road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the principal system of State Highways of the Commonwealth of Kentucky a road to lead from Hickman, Fulton County, Kentucky, to Hailwell, Hickman County, Kentucky, at or near the location of the present upper river road; the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter No. 17 of the Acts of the General Assembly of 1920, establishing and creating the principal system of State Highways.

§ 2. Said road shall be designated and known as Project No.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 112. An Act relating to roads and highways, and placing in the primary system a road in Owen and Henry Counties, beginning in State Road Project No. 22, about four miles west of Owenton, Ky., at the residence of Bennie Johnson, and leading west to Perry Park, thence southwest to Adam's Ferry on the Kentucky River, and across the Kentucky River to State Road No. 183 in Henry County, opposite Adams' Ferry.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as part of the Primary System of roads in the Commonwealth of Kentucky a road in Owen and Henry Counties, beginning at State Road No. 22, about four miles West of Owenton at the residence of Bennie Johnson, in Owen County, and leading by Squiresville to Perry Park, and thence in a southwestern direction to Adams' Ferry on the Kentucky River, and across the Kentucky River to State Road No. 183, at Springport, in Henry County, opposite Adams' Ferry.

§ 2. Said road thus established as part of the primary roads of this Commonwealth shall be entitled to all the privileges, benefits and conditions now given by any Act or law to the primary roads of this Commonwealth.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 123. An Act providing that the roads hereinafter described be made a part of the primary road system in the State of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following roads be made a part of the primary road system of the Commonwealth of Kentucky:

1. Beginning at Livingston, Rockcastle County, Kentucky, leading up Gauley Branch and by way of Red Hill to Narvie and intersecting with Jackson County line on Project No.

2. Beginning at Burr, Rockcastle County, Kentucky, on Highway No. 25 and running through Brush Creek; thence up Brush Creek by way of Climax to the intersection with Jackson County line.

3. Starting at Wolf Creek in Rockcastle County, Kentucky, in line of Project No. 2; thence up Wolf Creek to New Hope Church; thence down Dry Fork of Crooked Creek to intersect with Jackson County line near Cooksburg postoffice.

4. Beginning at Mt. Vernon, Rockcastle County, Kentucky; thence to Sand Spring; thence to Hansford postoffice by way of Buffalo School House to intersect at a point on Highway No. 80.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 125. An Act to add to the Primary Road System a certain road in Lewis County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby added to the Primary Road System of Kentucky a certain road in Lewis County, Kentucky, and more fully described as follows:

Beginning at a point at or near the residence of Geo. E. Dunbar and extending down the Kentucky side of the Ohio River about three miles to the old turnpike near the C. & O. Railroad at Trinity, Kentucky (Sometimes called South Manchester).

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920 as amended to the same effect as if said road had been named in the original Act as one of the projects of the primary system of the State Highway as provided therein.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Wallace Brown	George S. Clay
G. M. Ballard	Dr. R. A. Byers	J. A. Coleman
Reuben J. Boling	Jas. C. Carter	Roy Conway
Douglas Bolling	Roscoe Claxon	Herbert Cook

Harry Davis	J. H. Jones	J. C. Ramey
Sam Dever	O. C. Jones	Hobart Rayburn
Stanley S. Dickson	R. T. Kirkman	L. K. Rice
George W. Dunlap	J. F. Ladd	Wade H. Riley
Howard G. Early	Leslie Larrimore	Joe E. Robinson
Garland Embry	Robert E. Lee	John C. Robinson
T. P. Fitzpatrick	M. T. McCarthy	Carl Scheben
H. Myer Garner	T. B. McConnell	Ray O. Shehan
G. W. Garrett	Lloyd MacDonald	Dr. B. F. Shields
Eugene Gough	W. F. McGary	P. L. Sidebottom
Ben Grogan	Elmer McGlothen	Chester D. Silvers
C. L. Hammons	John Marshall	H. C. Steely
W. L. Hampton, Jr.	Duke Mayfield	R. Van Bever, Jr.
Thomas W. Hines	G. S. Milam	S. J. Wagner
Price Holbrook	W. H. Miller	Joseph L. Wall
Clyde S. Howard	John B. Mollett	Henry Ward
Ira W. Hulette	Tyler Munford	L. R. Wells
John M. Hunnicut	J. C. Nickell	Charles Wylie
Ben W. Johnson	Russell O'Neill	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 126. An Act relating to roads and highways, and describing and establishing a project to be added to the primary system of state roads and highways running from Gilbertsville, and following the Briensburg road to the boundary between L. C. Jones and G. C. Overby, and from there west-

ward between Jones and Overby, Vickers and Jones, Gregory, Pace and Hall, to the Lone Valley road, and thence along that road by way of the Big Cypress school district to J. W. Peck, and thence across the field to the Lone Valley schoolhouse, there intersecting State Route No. 95.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road leading from Gilbertsville, beginning two hundred fifty (250) yards west of the Illinois Central railroad station at the railroad crossing known as the Timmons crossing, and following the Briensburg road to the boundary between L. C. Jones and G. C. Overby, and from there westward between Jones and Overby, Vickers and Jones, Gregory, Pace and Hall, to the Lone Valley road, and thence along that road by way of the Big Cypress school district to J. W. Peck, and thence across the field to the Lone Valley schoolhouse, there intersecting State Route No. 95, being a distance of about four miles, be and the same is hereby designated and established as part of the primary system of the state highways of the Commonwealth of Kentucky; to be known as State Primary Road Project No.

§ 2. The said road to have and to secure all the benefits of the state primary road system under Chapter 17 of the Acts of 1920, and all amendments thereto.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 127. An Act relating to roads and highways, and describing and establishing a project to be added to the primary system of state roads and highways running from Grand Rivers, and proceeding generally along the Dover-Smithland road, but by the shortest and most practicable route to the Eddyville-Birmingham highway, at the point where the road now under construction by the Resettlement Administration begins, so as to form a continuation of the road under construction by the Resettlement Administration through Lyon County west of the Eddyville-Birmingham highway into Livingston County and to Grand Rivers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as part of the primary system of state highways of the Commonwealth of Kentucky a road running from Grand Rivers, and proceeding generally along the Dover-Smithland road, but by the shortest and most practicable route to the Eddyville-Birmingham highway, at the point where the road now under construction by the Resettlement Administration begins, so as to form a continuation of the road under construction by the Resettlement Administration through Lyon County west of the Eddyville-Birmingham highway into Livingston County and to Grand Rivers, to be known as Project No.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all amendments thereto.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 131. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road leading from a point in the Tompkinsville-Glasgow road at Mount Hermon, in Monroe County, Kentucky, via Hackers Branch School and near the old road the entire distance, to Sulphur Lick, in Monroe County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the Primary System of State Roads and Highways of the Commonwealth of Kentucky a road beginning at a point on Highway No. 68, at Mount Hermon, in Monroe County, Kentucky, and running thence to Sulphur Lick, in Monroe County, via Hackers Branch School and near the present road the entire distance.

§ 2. This route when established to be designated as project No., and be entitled to and receive all the benefits relating to the Primary System of roads and Highways. The State Highway Commission will have said route surveyed and located.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 132. An Act creating and establishing as a part of the primary system of roads and highways of the Commonwealth of Kentucky a road beginning at a point in the Tompkinsville-Fountain Run Highway at Gamaliel, Kentucky, via McPeat School and Bug Tussle to Akersville, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State roads and Highways of the Commonwealth of Kentucky a road beginning at a point in the Tompkinsville-Fountain Run Highway at Gamaliel, Monroe County, Kentucky, and running thence, via McPeat School house and Bug Tussle, to Akersville, in Monroe County, Kentucky.

§ 2. This route when established to be designated as Project No., and be entitled to and receive all the benefits relating to the Primary System of Roads and Highways. The State Highway Commission will have said route surveyed and located.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Wallace Brown	George S. Clay
G. M. Ballard	Dr. R. A. Byers	J. A. Coleman
Reuben J. Boling	Jas. C. Carter	Roy Conway
Douglas Bolling	Roscoe Claxon	Herbert Cook

Harry Davis	J. H. Jones	J. C. Ramey
Sam Dever	O. C. Jones	Hobart Rayburn
Stanley S. Dickson	R. T. Kirkman	L. K. Rice
George W. Dunlap	J. F. Ladd	Wade H. Riley
Howard G. Early	Leslie Larrimore	Joe E. Robinson
Garland Embry	Robert E. Lee	John C. Robinson
T. P. Fitzpatrick	M. T. McCarthy	Carl Scheben
H. Myer Garner	T. B. McConnell	Ray O. Shehan
G. W. Garrett	Lloyd MacDonald	Dr. B. F. Shields
Eugene Gough	W. F. McGary	F. L. Sidebottom
Ben Grogan	Elmer McGlothen	Chester D. Silvers
C. L. Hammons	John Marshall	H. C. Steely
W. L. Hampton, Jr.	Duke Mayfield	R. Van Bever, Jr.
Thomas W. Hines	G. S. Milam	S. J. Wagner
Price Holbrook	W. H. Miller	Joseph L. Wall
Clyde S. Howard	John B. Mollett	Henry Ward
Ira W. Hulette	Tyler Munford	L. R. Wells
John M. Hunnicut	J. C. Nickell	Charles Wylie
Ben W. Johnson	Russell O'Neill	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 133. An Act to establish as part of the primary system of State Highways, a road leading from a point at or near J. C. Stamper's Store in Morgan County at a point on Garrett Highway No. 40 and running in a Southernly course

up Grassy Creek to or near Buskirk Post Office in Morgan County; thence to Sellars Post Office in Morgan County; thence crossing the divide between Red River and Grassy Creek and entering Wolfe County intersecting with Hazelgreen and Cannel City Highway No. at or near Grant Rose's residence in Wolfe County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as part of the primary system of the State Highways of the Commonwealth of Kentucky, a road leading from a point at or near J. C. Stamper's Store in Morgan County at a point on Garrett Highway No. 40 and running in a southerly course up Grassy Creek to or near Buskirk Post Office in Morgan County; thence to Sellars Post Office in Morgan County; thence crossing the divide between the Red River and Grassy Creek and entering Wolfe County intersecting with Hazelgreen and Cannel City Highway No. at or near Grant Rose's residence in Wolfe County.

§ 2. That the construction, and maintenance supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920 and all laws pertaining thereto, establishing and creating a primary system of State Highways to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State Highways, as provided therein.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 134. An Act to establish as part of the primary system of state highways, a road leading from a point at or near the Lenox post office in Morgan County, Ky., at a point in Morgan County, Ky., at a point on West Liberty-Paintsville highway survey, thence in a northerly course to Redwine in Morgan County; thence running on or near the old railroad bed to Wrigley post office in Morgan County; thence continuing on or near the old railroad bed to Paragon post office in Rowan County and on beyond the said Paragon post office in Rowan County to a point intersecting with C. C. C. road now being constructed in said Rowan County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as part of the primary system of the state highways of the Commonwealth of Kentucky, a road leading from a point at or near the Lenox post office, Morgan County, Kentucky, at a point on the West Liberty-Paintsville highway survey; thence in a northerly course to Redwine in Morgan County; thence running on or near the old railroad bed to Wrigley post office in Morgan County; thence continuing on or near the old railroad bed to Paragon post office in Rowan County and on beyond the said Paragon post office in Rowan County to a point intersecting with C. C. C. road now being constructed in said Rowan County.

§ 2. The construction and maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920 and all laws pertaining thereto, establishing and creating a primary system of state highways to the same effect as if said road had been named in the original act as one of the

projects of the primary system of state highways, as provided therein.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 135. An Act to establish as part of the primary system of state highways, a road leading from a point near Beverly Walsh's residence in Morgan County on the West Liberty and Paintsville survey; thence running in a westerly course down the valley of Elk Fork Creek in Morgan County and intersecting the West Liberty-Morehead road No..... in Morgan County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as part of the primary system of the state highways of the Commonwealth of Kentucky, a road leading from a point near Beverly Walsh's residence in Morgan County on the West Liberty and Paintsville survey; thence running in westerly course down the valley of Elk Fork Creek in Morgan County and intersecting the West Liberty-Morehead road No..... in Morgan County.

§ 2. The construction and maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920 and all laws pertaining thereto, establishing and creating a primary system of state highways to the same effect as

if said road had been named in the original act as one of the projects of the primary system of state highways, as provided therein.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 136. An Act to establish as part of the primary system of state highways, a road leading from Bonny Oldfield's residence in Morgan County, at a point on Garrett Highway No. 40; thence running in a southerly course up Murphy's Fork Creek in Morgan County, via Murphy's Fork post office to Hazelgreen in Wolfe County and intersecting with the Hazelgreen-Cannel State Highway No.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as part of the primary system of the state highways of the Commonwealth of Kentucky, a road leading from Bonny Oldfield's residence in Morgan County at a point on Garrett Highway No. 40; thence running in a southerly course up Murphy Fork Creek in Morgan County via Murphy Fork post office to Hazelgreen in Wolfe County and intersecting with the Hazelgreen-Cannel City Highway No.

§ 2. The construction and maintenance, supervision and control of the said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920 and all laws pertaining thereto, establishing and creat-

ing a primary system of state highways to the same effect as if said road had been named in the original act as one of the projects of the primary system of state highways, as provided therein.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 138. An Act to establish three new road projects as a part of the state primary road system.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the primary road system of the Commonwealth of Kentucky, a road leading from Somerset city limits on the Jacksboro road, thence to Ferguson, thence to Elihu, from there to Tollie Gover's residence, from there on the Jacksboro road to the intersection of No. 27, at the mouth of Pittman Creek.

§ 2. There is also established as a part of the primary road system of the Commonwealth of Kentucky, a road leading from Nancy on No. 80 to Zollicoffer's monument, thence to Fairview, thence to Delmar, thence to Trimble, thence to the Wayne County line on the Mill Springs road, thence from there to Mill Springs No. 90.

§ 3. There is also established as a part of the primary road system of the Commonwealth of Kentucky, a road leading from Bronson on No. 90, thence to Quinton, thence to Kidder, thence to Gregory, Wayne County, thence from there to Cooperville, Wayne County.

§ 4. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of state highways.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	G. W. Garrett	W. F. McGary
G. M. Ballard	Eugene Gough	Elmer McGlothen
Reuben J. Boling	Ben Grogan	John Marshall
Douglas Bolling	C. L. Hammons	Duke Mayfield
Wallace Brown	W. L. Hampton, Jr.	G. S. Milam
Dr. R. A. Byers	Thomas W. Hines	W. H. Miller
Jas. C. Carter	Price Holbrook	John B. Mollett
Roscoe Claxon	Clyde S. Howard	Tyler Munford
George S. Clay	Ira W. Hulette	J. C. Nickell
J. A. Coleman	John M. Hunnicut	Russell O'Neill
Roy Conway	Ben W. Johnson	J. C. Ramey
Herbert Cook	J. H. Jones	Hobart Rayburn
Harry Davis	O. C. Jones	L. K. Rice
Sam Dever	R. T. Kirkman	Wade H. Riley
Stanley S. Dickson	J. F. Ladd	Joe E. Robinson
George W. Dunlap	Leslie Larrimore	John C. Robinson
Howard G. Early	Robert E. Lee	Carl Scheben
Garland Embry	M. T. McCarthy	Ray O. Shehan
T. P. Fitzpatrick	T. B. McConnell	Dr. B. F. Shields
H. Myer Garner	Lloyd MacDonald	P. L. Sidebottom

Chester D. Silvers	S. J. Wagner	L. R. Wells	
H. C. Steely	Joseph L. Wall	Charles Wylie	
R. Van Bever, Jr.	Henry Ward	John Kirtley	—69

There voted in the negative—

Chas. P. Farnsley	—1
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Resolved that the title thereof be as aforesaid—

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 139. An Act to add to the primary system, a road in Shelby County known as the Jail Hill road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road known as the Jail Hill road in Shelby County, extending from the city limits of Shelbyville, Kentucky, on the north, from the end of 5th Street, for a distance of four-tenths (4/10) of a mile to highway No. 55, be made a part of highway No. 55 and the primary road system of Kentucky.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 143. An Act to add to the primary system of public roads, a road beginning at Mayfield, in Graves County, Kentucky, thence via the old Backusburg road to Backusburg, in Calloway County, thence via Kirksey, Almo, and Shilo, thence to the most direct point on the Murray-Eggner's Ferry Road.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of the State Highways of the Commonwealth of Kentucky, a road beginning at Mayfield, in Graves County, Kentucky, thence via the old Backusburg road to Backusburg, in Calloway County, thence via Kirksey, Almo, and Shiloh, thence to the most direct point on the Murray-Eggner's Ferry Road.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways, the same as though said road had been named in said original Act as one of the projects of said primary system of highways.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 145. An Act to add to the primary system of public roads, a road leading from Coldwater, in Calloway County via Backusburg, thence northwardly to connect with the Mayfield-Eggner's Ferry road near Brewers in Marshall County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of State highways, a road beginning at Coldwater, in Calloway County, via Backusburg, thence northwardly to connect with the Mayfield-Eggner's Ferry Road near Brewers in Marshall County.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways, the same as though said road had been named in said original Act as one of the projects of said primary system of highways.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker

G. M. Ballard

Reuben J. Boling

Douglas Bolling	Thomas W. Hines	Tyler Munford
Wallace Brown	Price Holbrook	J. C. Nickell
Dr. R. A. Byers	Clyde S. Howard	Russell O'Neill
Jas. C. Carter	Ira W. Hulette	J. C. Ramey
Roscoe Claxon	John M. Hunnicut	Hobart Rayburn
George S. Clay	Ben W. Johnson	L. K. Rice
J. A. Coleman	J. H. Jones	Wade H. Riley
Roy Conway	O. C. Jones	Joe E. Robinson
Herbert Cook	R. T. Kirkman	John C. Robinson
Harry Davis	J. F. Ladd	Carl Scheben
Sam Dever	Leslie Larrimore	Ray O. Shehan
Stanley S. Dickson	Robert E. Lee	Dr. B. F. Shields
George W. Dunlap	M. T. McCarthy	P. L. Sidebottom
Howard G. Early	T. B. McConnell	Chester D. Silvers
Garland Embry	Lloyd MacDonald	H. C. Steely
T. P. Fitzpatrick	W. F. McGary	R. Van Bever, Jr.
H. Myer Garner	Elmer McGlothen	S. J. Wagner
G. W. Garrett	John Marshall	Joseph L. Wall
Eugene Gough	Duke Mayfield	Henry Ward
Ben Grogan	G. S. Milam	L. R. Wells
C. L. Hammons	W. H. Miller	Charles Wylie
W. L. Hampton, Jr.	John B. Mollett	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 151. An Act creating as part of the Primary Road System a road beginning at Noles' store on the Gainesville

and Scottsville road in Allen County and extending to the Bowling Green and Glasgow road west of Hause.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby created as a part of the Primary road system the following described road which is to be constructed, maintained and under the supervision of the State Highway Commission of the Commonwealth of Kentucky:

Beginning at Noles' store on the Gainsville-Scottsville road, in Allen County, thence to Smith's Grove in Warren County, by the way of Gainsville, crossing Barren River at the Old Salt Mill then by Finnie, intersecting in the Bowling Green-Glasgow road west of Hause.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Roy Conway	G. W. Garrett
G. M. Ballard	Herbert Cook	Eugene Gough
Reuben J. Boling	Harry Davis	Ben Grogan
Douglas Bolling	Sam Dever	C. L. Hammons
Wallace Brown	Stanley S. Dickson	W. L. Hampton, Jr.
Dr. R. A. Byers	George W. Dunlap	Thomas W. Hines
Jas. C. Carter	Howard G. Early	Price Holbrook
Roscoe Claxon	Garland Embry	Clyde S. Howard
George S. Clay	T. P. Fitzpatrick	Ira W. Hulette
J. A. Coleman	H. Myer Garner	John M. Hunnicut

Ben W. Johnson	Duke Mayfield	Carl Scheben
J. H. Jones	G. S. Milam	Ray O. Shehan
O. C. Jones	W. H. Miller	Dr. B. F. Shields
R. T. Kirkman	John B. Mollett	P. L. Sidebottom
J. F. Ladd	Tyler Munford	Chester D. Silvers
Leslie Larrimore	J. C. Nickell	H. C. Steely
Robert E. Lee	Russell O'Neill	R. Van Bever, Jr.
M. T. McCarthy	J. C. Ramey	S. J. Wagner
T. B. McConnell	Hobart Rayburn	Joseph L. Wall
Lloyd MacDonald	L. K. Rice	Henry Ward
W. F. McGary	Wade H. Riley	L. R. Wells
Elmer McGlothen	Joe E. Robinson	Charles Wylie
John Marshall	John C. Robinson	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 154. An Act establishing as a part of the Primary System of State Highways a road leading from the Little Muddy Church on Highway No. 71 to the Carve Rock Church on the Morgantown and Russellville Highway, a distance of approximately $4\frac{1}{2}$ miles, in Butler County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That a road leading from the Little Muddy Church on

Highway No. 71, via the Paul Young, Charles Charleston and Virgil Whalin farms to the Carve Rock Church on the Morgantown and Russellville Highway, a distance of approximately 4½ miles, be and same is hereby established and designated as a part of the Primary System of State Highways of the Commonwealth of Kentucky.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	G. W. Garrett	W. F. McGary
G. M. Ballard	Eugene Gough	Elmer McGlothen
Reuben J. Boling	Ben Grogan	John Marshall
Douglas Bolling	C. L. Hammons	Duke Mayfield
Wallace Brown	W L. Hampton, Jr.	G. S. Milam
Dr. R. A. Byers	Thomas W. Hines	W. H. Miller
Jas. C. Carter	Price Holbrook	John B. Mollett
Roscoe Claxon	Clyde S. Howard	Tyler Munford
George S. Clay	Ira W. Hulette	J. C. Nickell
J. A. Coleman	John M. Hunnicut	Russell O'Neill
Roy Conway	Ben W. Johnson	J. C. Ramey
Herbert Cook	J. H. Jones	Hobart Rayburn
Harry Davis	O. C. Jones	L. K. Rice
Sam Dever	R. T. Kirkman	Wade H. Riley
Stanley S. Dickson	J. F. Ladd	Joe E. Robinson
George W. Dunlap	Leslie Larrimore	John C. Robinson
Howard G. Early	Robert E. Lee	Carl Scheben
Garland Embry	M. T. McCarthy	Ray O. Shehan
T. P. Fitzpatrick	T. B. McConnell	Dr. B. F. Shields
H. Myer Garner	Lloyd MacDonald	P. L. Sidebottom

Chester D. Silvers	S. J. Wagner	L. R. Wells
H. C. Steely	Joseph L. Wall	Charles Wylie
R. Van Bever, Jr.	Henry Ward	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 155. An Act establishing as a part of the Primary System of State Highways a road leading from Highway No. 71 via Annis Ferry to Aberdeen and Cromwell road in Butler County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That a road leading from Highway No. 71 in Butler County, via Annis Ferry to Aberdeen and Cromwell road on north side of Green River, Butler County, Kentucky, be and the same is hereby established and designated as a part of the Primary System of State highways of the Commonwealth of Kentucky.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	John Kirtley

—69

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Mr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled: .

H. B. 157. An Act to add to the primary system of public roads, a road beginning at or near Stella, in Calloway County, thence by the Galloway school house, thence via Taylor store to the Kentucky-Tennessee line.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of State Highways, a road beginning at or near Stella, in Calloway County, thence by the Calloway school, thence via Taylor store to the Kentucky-Tennessee line.

The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways the same as though said road had been named in said original Act as one of the projects of said primary system of highways.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.

Those who voted in the affirmative were—

W. T. Baker	Reuben J. Boling	Wallace Brown
G. M. Ballard	Douglas Bolling	Dr. R. A. Byers

Jas. C. Carter	Clyde S. Howard	J. C. Nickell
Roscoe Claxon	Ira W. Hulette	Russell O'Neill
George S. Clay	John M. Hunnicut	J. C. Ramey
J. A. Coleman	Ben W. Johnson	Hobart Rayburn
Roy Conway	J. H. Jones	L. K. Rice
Herbert Cook	O. C. Jones	Wade H. Riley
Harry Davis	R. T. Kirkman	Joe E. Robinson
Sam Dever	J. F. Ladd	John C. Robinson
Stanley S. Dickson	Leslie Larrimore	Carl Scheben
George W. Dunlap	Robert E. Lee	Ray O. Shehan
Howard G. Early	M. T. McCarthy	Dr. B. F. Shields
Garland Embry	T. B. McConnell	P. L. Sidebottom
T. P. Fitzpatrick	Lloyd MacDonald	Chester D. Silvers
H. Myer Garner	W. F. McGary	H. C. Steely
G. W. Garrett	Elmer McGlothen	R. Van Bever, Jr.
Eugene Gough	John Marshall	S. J. Wagner
Ben Grogan	Duke Mayfield	Joseph L. Wall
C. L. Hammons	G. S. Milam	Henry Ward
W. L. Hampton, Jr.	W. H. Miller	L. R. Wells
Thomas W. Hines	John B. Mollett	Charles Wylie
Price Holbrook	Tyler Munford	—68

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 170. An Act establishing as a part of the primary system of State highways a road leading from the Orange Graveyard via Sunny Lane, general direction of the old Mor-

gantown and Franklin road to the Morgantown-Russellville Highway at or near the old Brick House place, in Butler County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a road leading from the Orange graveyard via Sunny Lane, general direction of the old Morgantown and Franklin road to the Morgantown and Russellville Highway at or near the old Brick House place, be and the same is hereby established and designated as a part of the primary system of State highways of the Commonwealth of Kentucky.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Harry Davis	W. L. Hampton, Jr.
G. M. Ballard	Sam Dever	Thomas W. Hines
Reuben J. Boling	Stanley S. Dickson	Price Holbrook
Douglas Bolling	George W. Dunlap	Clyde S. Howard
Wallace Brown	Howard G. Early	Ira W. Hulette
Dr. R. A. Byers	Garland Embry	John M. Hunnicut
Jas. C. Carter	T. P. Fitzpatrick	Ben W. Johnson
Roscoe Claxon	H. Myer Garner	J. H. Jones
George S. Clay	G. W. Garrett	O. C. Jones
J. A. Coleman	Eugene Gough	R. T. Kirkman
Roy Conway	Ben Grogan	J. F. Ladd
Herbert Cook	C. L. Hammons	Leslie Larrimore

Robert E. Lee	Tyler Munford	Dr. B. F. Shields
M. T. McCarthy	J. C. Nickell	P. L. Sidebottom
T. B. McConnell	Russell O'Neill	Chester D. Silvers
Lloyd MacDonald	J. C. Ramey	H. C. Steely
W. F. McGary	Hobart Rayburn	R. Van Bever, Jr.
Elmer McGlothen	L. K. Rice	S. J. Wagner
John Marshall	Wade H. Riley	Joseph L. Wall
Duke Mayfield	Joe E. Robinson	Henry Ward
G. S. Milam	John C. Robinson	L. R. Wells
W. H. Miller	Carl Scheben	Charles Wylie
John B. Mollett	Ray O. Shehan	—68

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 178. An Act creating and establishing as a part of the State primary system of roads and highways a road project, beginning at Grays, Knox County, Kentucky, from U. S. Highway 25E, thence to Camp Ground in Laurel County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established as a part of the primary roads and highways of the Commonwealth of Kentucky, a road beginning at Grays, Knox County,

Kentucky, from U. S. Highway 25E, thence to Camp Ground in Laurel County, Kentucky.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all terms set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, creating and establishing a primary system of roads and highways, the same as if said road had been named in said original act as one of the projects of said primary system of the Commonwealth of Kentucky.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Howard G. Early	O. C. Jones
G. M. Ballard	Garland Embry	R. T. Kirkman
Reuben J. Boling	T. P. Fitzpatrick	J. F. Ladd
Douglas Bolling	H. Myer Garner	Leslie Larrimore
Wallace Brown	G. W. Garrett	Robert E. Lee
Dr. R. A. Byers	Eugene Gough	M. T. McCarthy
Jas. C. Carter	Ben Grogan	T. B. McConnell
Roscoe Claxon	C. L. Hammons	Lloyd MacDonald
George S. Clay	W. L. Hampton, Jr.	W. F. McGary
J. A. Coleman	Thomas W. Hines	Elmer McGlothen
Roy Conway	Price Holbrook	John Marshall
Herbert Cook	Clyde S. Howard	Duke Mayfield
Harry Davis	Ira W. Hulette	G. S. Milam
Sam Dever	John M. Hunnicut	W. H. Miller
Stanley S. Dickson	Ben W. Johnson	John B. Mollett
George W. Dunlap	J. H. Jones	Tyler Munford

J. C. Nickell	John C. Robinson	R. Van Bever, Jr.
Russell O'Neill	Carl Scheben	S. J. Wagner
J. C. Ramey	Ray O. Shehan	Joseph L. Wall
Hobart Rayburn	Dr. B. F. Shields	Henry Ward
L. K. Rice	P. L. Sidebottom	L. R. Wells
Wade H. Riley	Chester D. Silvers	Charles Wylie
Joe E. Robinson	H. C. Steely	—68

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 179. An Act creating and establishing as a part of the State primary system of Roads and highways a road project, beginning at the end of Barbourville Street in Corbin, Knox County, Kentucky, and leading to U. S. 25E Highway, to intersect at Campbell's Store.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established as a part of the primary roads and highways of the Commonwealth of Kentucky, a road beginning at end of Barbourville Street in Corbin, Knox County, Kentucky, thence to U. S. 25E Highway so as to intersect at Campbell's Store in Knox County, Kentucky, a distance of about one and one-half miles.

§ 2. The construction, maintenance, supervision and

control of said road shall be subject to all terms set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, creating and establishing a primary system of roads, the same as if said road had been named in said original act as one of the projects of said primary system of the Commonwealth of Kentucky.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	H. Myer Garner	T. B. McConnell
G. M. Ballard	G. W. Garrett	Lloyd MacDonald
Reuben J. Boling	Eugene Gough	W. F. McGary
Douglas Bolling	Ben Grogan	Elmer McGlothen
Wallace Brown	C. L. Hammons	John Marshall
Dr. R. A. Byers	W. L. Hampton, Jr.	Duke Mayfield
Jas. C. Carter	Thomas W. Hines	G. S. Milam
Roscoe Claxon	Price Holbrook	W. H. Miller
George S. Clay	Clyde S. Howard	John B. Mollett
J. A. Coleman	Ira W. Hulette	Tyler Munford
Roy Conway	John M. Hunnicut	J. C. Nickell
Herbert Cook	Ben W. Johnson	Russell O'Neill
Harry Davis	J. H. Jones	J. C. Ramey
Sam Dever	O. C. Jones	Hobart Rayburn
Stanley S. Dickson	R. T. Kirkman	L. K. Rice
George W. Dunlap	J. F. Ladd	Wade H. Riley
Howard G. Early	Leslie Larrimore	Joe E. Robinson
Garland Embry	Robert E. Lee	John C. Robinson
T. P. Fitzpatrick	M. T. McCarthy	Carl Scheben

Ray O. Shehan	H. C. Steely	Henry Ward	
Dr. B. F. Shields	R. Van Bever, Jr.	L. R. Wells	
P. L. Sidebottom	S. J. Wagner	Charles Wylie	
Chester D. Silvers	Joseph L. Wall		—68

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 180—An Act creating and establishing as a part of the State primary System of Roads and highways, a road project, beginning at the end of East Main Street in Corbin, Knox County, Kentucky and leading through Park Hill to the Mt. Calvert church in Knox County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established as a part of the primary roads and highways of the Commonwealth of Kentucky, a road beginning at the end of East Main Street in Corbin, Knox County, Kentucky, leading through Park Hill, thence to the Mt. Calvert church in Knox County, Kentucky.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all terms set out and provided for in Chapter 17 of the Acts of the General Assem-

bly of 1920, creating and establishing a primary system of roads and highways, the same as if said road had named in said original act as one of the projects of said Primary System of the Commonwealth of Kentucky.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Eugene Gough	John Marshall
G. M. Ballard	Ben Grogan	Duke Mayfield
Reuben J. Boling	C. L. Hammons	G. S. Milam
Douglas Bolling	W. L. Hampton, Jr.	W. H. Miller
Wallace Brown	Thomas W. Hines	John B. Mollett
Dr. R. A. Byers	Price Holbrook	Tyler Munford
Jas. C. Carter	Clyde S. Howard	J. C. Nickell
Roscoe Claxon	Ira W. Hulette	Russell O'Neill
George S. Clay	John M. Hunnicut	J. C. Ramey
J. A. Coleman	Ben W. Johnson	Hobart Rayburn
Roy Conway	J. H. Jones	L. K. Rice
Herbert Cook	O. C. Jones	Wade H. Riley
Harry Davis	R. T. Kirkman	Joe E. Robinson
Sam Dever	J. F. Ladd	John C. Robinson
Stanley S. Dickson	Leslie Larrimore	Carl Scheben
George W. Dunlap	Robert E. Lee	Ray O. Shehan
Howard G. Early	M. T. McCarthy	Dr. B. F. Shields
Garland Embry	T. B. McConnell	P. L. Sidebottom
T. P. Fitzpatrick	Lloyd MacDonald	Chester D. Silvers
H. Myer Garner	W. F. McGary	H. C. Steely
G. W. Garrett	Elmer McGlothen	R. Van Bever, Jr.

S. J. Wagner	Henry Ward	Charles Wylie	
Joseph L. Wall	L. R. Wells		—68

There voted in the negative—

Chas. P. Farnsley	—1
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Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 181. An Act establishing as a part of the primary road system a road extending from the intersection of same with the Lewisburg-Sharon Grove Road at Spa, to the intersection of same with the Highland Lick Road near the residence of E. J. Duncan, in Logan County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as a part of the primary road system a road in Logan County, Kentucky, extending from the intersection of same with the Lewisburg-Sharon Grove road at Spa, to the intersection of same with the Highland Lick Road near the residence of E. J. Duncan.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	

—68

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 182. An Act establishing as a part of the primary road system, a road beginning at Bascom Harris' place on Sharon Grove and Lewisburg road and extending to top of Antioch Hill, a distance of about 1½ miles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as a part of the primary road system of the Commonwealth of Kentucky a road beginning at what is known as the Bascom Harris' place on Sharon Grove and Lewisburg road to top of Antioch Hill in Logan County, Kentucky, a distance of about one and one-half miles.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	George S. Clay	Howard G. Early
G. M. Ballard	J. A. Coleman	Garland Embry
Reuben J. Boling	Roy Conway	T. P. Fitzpatrick
Douglas Bolling	Herbert Cook	H. Myer Garner
Wallace Brown	Harry Davis	G. W. Garrett
Dr. R. A. Byers	Sam Dever	Eugene Gough
Jas. C. Carter	Stanley S. Dickson	Ben Grogan
Roscoe Claxon	George W. Dunlap	C. L. Hammons

W. L. Hampton, Jr.	Lloyd MacDonald	Joe E. Robinson
Thomas W. Hines	W. F. McGary	John C. Robinson
Price Holbrook	Elmer McGlothen	Carl Scheben
Clyde S. Howard	John Marshall	Ray O. Shehan
Ira W. Hulette	Duke Mayfield	Dr. B. F. Shields
John M. Hunnicut	G. S. Milam	P. L. Sidebottom
Ben W. Johnson	W. H. Miller	Chester D. Silvers
J. H. Jones	John B. Mollett	H. C. Steely
O. C. Jones	Tyler Munford	R. Van Bever, Jr.
R. T. Kirkman	J. C. Nickell	S. J. Wagner
J. F. Ladd	Russell O'Neill	Joseph L. Wall
Leslie Larrimore	J. C. Ramey	Henry Ward
Robert E. Lee	Hobart Rayburn	L. R. Wells
M. T. McCarthy	L. K. Rice	Charles Wylie
T. B. McConnell	Wade H. Riley	—68

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 191. An Act establishing as part of the primary system of State highways, a road beginning at Ham Skile's pond on Bowling Green and Woodburn road and running to Bowling Green and Scottsville highway and Allen Springs by way of Old Union Church and Boyce.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road beginning at Ham Skile's pond, in Warren County, on Bowling Green and Woodburn road and running to Bowling Green and Scottsville highway and Allen Springs by way of Old Union Church and Boyce.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Roy Conway	G. W. Garrett
G. M. Ballard	Herbert Cook	Eugene Gough
Reuben J. Boling	Harry Davis	Ben Grogan
Douglas Bolling	Sam Dever	C. L. Hammons
Wallace Brown	Stanley S. Dickson	W. L. Hampton, Jr.
Dr. R. A. Byers	George W. Dunlap	Thomas W. Hines
Jas. C. Carter	Howard G. Early	Price Holbrook
Roscoe Claxon	Garland Embry	Clyde S. Howard
George S. Clay	T. P. Fitzpatrick	Ira W. Hulette
J. A. Coleman	H. Myer Garner	John M. Hunnicut

Ben W. Johnson	Duke Mayfield	Carl Scheben
J. H. Jones	G. S. Milam	Ray O. Shehan
O. C. Jones	W. H. Miller	Dr. B. F. Shields
R. T. Kirkman	John B. Mollett	P. L. Sidebottom
J. F. Ladd	Tyler Munford	Chester D. Silvers
Leslie Larrimore	J. C. Nickell	H. C. Steely
Robert E. Lee	Russell O'Neill	R. Van Bever, Jr.
M. T. McCarthy	J. C. Ramey	S. J. Wagner
T. B. McConnell	Hobart Rayburn	Joseph L. Wall
Lloyd MacDonald	L. K. Rice	Henry Ward
W. F. McGary	Wade H. Riley	L. R. Wells
Elmer McGlothen	Joe E. Robinson	Charles Wylie
John Marshall	John C. Robinson	—68

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 192. An Act establishing a road of the primary system of State highways a road beginning at Massey's Mill Bridge in Warren County and running to the Simpson County line by way of Charles Duncan's store.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the

primary system of State highways of the Commonwealth of Kentucky a road beginning at Massey's Mill Bridge in Warren County and running to Simpson County line by way of Charles Duncan's store.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Sam Dever	Price Holbrook
G. M. Ballard	Stanley S. Dickson	Clyde S. Howard
Reuben J. Boling	George W. Dunlap	Ira W. Hulette
Douglas Bolling	Howard G. Early	John M. Hunnicut
Wallace Brown	Garland Embry	Ben W. Johnson
Dr. R. A. Byers	T. P. Fitzpatrick	J. H. Jones
Jas. C. Carter	H. Myer Garner	O. C. Jones
Roscoe Claxon	G. W. Garrett	R. T. Kirkman
George S. Clay	Eugene Gough	J. F. Ladd
J. A. Coleman	Ben Grogan	Leslie Larrimore
Roy Conway	C. L. Hammons	Robert E. Lee
Herbert Cook	W. L. Hampton, Jr.	M. T. McCarthy
Harry Davis	Thomas W. Hines	T. B. McConnell

Lloyd MacDonald	Russell O'Neill	P. L. Sidebottom
W. F. McGary	J. C. Ramey	Chester D. Silvers
Elmer McGlothen	Hobart Rayburn	H. C. Steely
John Marshall	L. K. Rice	R. Van Bever, Jr.
Duke Mayfield	Wade H. Riley	S. J. Wagner
G. S. Milam	Joe E. Robinson	Joseph L. Wall
W. H. Miller	John C. Robinson	Henry Ward
John B. Mollett	Carl Scheben	L. R. Wells
Tyler Munford	Ray O. Shehan	Charles Wylie
J. C. Nickell	Dr. B. F. Shields	—68

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 193. An Act establishing as part of the primary system of State highways a road beginning at Glasgow road in Warren County near Sunnyside and running by way of Sunnyside to Bethel Church.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky a road beginning at Glasgow road in Warren County near Sunnyside and running by way of Sunnyside to Bethel Church.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled by provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	Garland Embry	J. F. Ladd
G. M. Ballard	T. P. Fitzpatrick	Leslie Larrimore
Reuben J. Boling	H. Myer Garner	Robert E. Lee
Douglas Bolling	G. W. Garrett	M. T. McCarthy
Wallace Brown	Eugene Gough	T. B. McConnell
Dr. R. A. Byers	Ben Grogan	Lloyd MacDonald
Jas. C. Carter	C. L. Hammons	W. F. McGary
Roscoe Claxon	W. L. Hampton, Jr.	Elmer McGlothen
George S. Clay	Thomas W. Hines	John Marshall
J. A. Coleman	Price Holbrook	Duke Mayfield
Roy Conway	Clyde S. Howard	G. S. Milam
Herbert Cook	Ira W. Hulette	W. H. Miller
Harry Davis	John M. Hunnicut	John B. Mollett
Sam Dever	Ben W. Johnson	Tyler Munford
Stanley S. Dickson	J. H. Jones	J. C. Nickell
George W. Dunlap	O. C. Jones	Russell O'Neill
Howard G. Early	R. T. Kirkman	J. C. Ramey

Hobart Rayburn	Ray O. Shehan	S. J. Wagner	
L. K. Rice	Dr. B. F. Shields	Joseph L. Wall	
Wade H. Riley	P. L. Sidebottom	Henry Ward	
Joe E. Robinson	Chester D. Silvers	L. R. Wells	
John C. Robinson	H. C. Steely	Charles Wylie	
Carl Scheben	R. Van Bever, Jr.		—68

There voted in the negative—

Chas. P. Farnsley —1

Resolved that the title thereof be as aforesaid—

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 194. An Act to add to the primary system of highways a road from Cynthiana to a point on United States Highway No. 227 near Sutersville in Scott County by way of the White Oak road to the intersection of Sadieville-Hinton pike and thence over the most direct route through Stonewall and to said junction.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby added to the primary system of state highways a road from Cynthiana to a point on United States Highway No. 227 near Sutersville in Scott County by way of the White Oak road to the intersection of Sadieville-Hinton pike and thence over the most direct route through Stonewall and to said junction.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. T. Baker	C. L. Hammons	John B. Mollett
G. M. Ballard	W. L. Hampton, Jr.	Tyler Munford
Reuben J. Boling	Thomas W. Hines	J. C. Nickell
Douglas Bolling	Price Holbrook	Russell O'Neill
Wallace Brown	Clyde S. Howard	J. C. Ramey
Dr. R. A. Byers	Ira W. Hulette	Hobart Rayburn
Jas. C. Carter	John M. Hunnicut	L. K. Rice
Roscoe Claxon	Ben W. Johnson	Wade H. Riley
George S. Clay	J. H. Jones	Joe E. Robinson
J. A. Coleman	O. C. Jones	John C. Robinson
Roy Conway	R. T. Kirkman	Carl Scheben
Herbert Cook	J. F. Ladd	Ray O. Shehan
Harry Davis	Leslie Larrimore	Dr. B. F. Shields
Sam Dever	Robert E. Lee	P. L. Sidebottom
Stanley S. Dickson	M. T. McCarthy	Chester D. Silvers
George W. Dunlap	T. B. McConnell	H. C. Steely
Howard G. Early	Lloyd MacDonald	R. Van Bever, Jr.
Garland Embry	W. F. McGary	S. J. Wagner
T. P. Fitzpatrick	Elmer McGlothen	Joseph L. Wall
H. Myer Garner	John Marshall	Henry Ward
G. W. Garrett	Duke Mayfield	L. R. Wells
Eugene Gough	G. S. Milam	Charles Wylie
Ben Grogan	W. H. Miller	

—68

There voted in the negative—

Chas. P. Farnsley

—1

Resolved that the title thereof be as aforesaid.

Dr. Shields moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

By unanimous consent the following bills were introduced ordered printed and referred as follows:

By Mr. Wylie:

H. B. 375. An Act to repeal existing Sections 1310, 1311, 1312 and 1313 of Carroll's Kentucky Statutes and to enact Sections 1310 to 1310-18 inclusive, to control the possession, sale, transfer and use of firearms and other dangerous weapons in Commonwealth of Kentucky, to provide penalties, to prescribe rules of evidence and for other purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 1310 to 1310-18 inclusive, of Carroll's Kentucky Statutes, are hereby enacted to read as follows:

"Pistol" as used in this Act, means a pistol or revolver having a barrel length of ten inches or less and a shotgun or rifle having a barrel length of eighteen inches or less.

"Deadly or dangerous weapon", as used in this Act, includes any firearm, any edged or pointed implement with a blade more than three inches in length, blackjack, metal knuckles, and any other dangerous weapon.

"Firearm", as used in this Act, means a weapon by whatever name known from which a projectile is expelled by the action of an explosive or the expansion of a gas.

"Silencer", as used in this Act, means any instrument, attachment, or appliance for causing the firing of any firearm

to be silent or intended to lessen or muffle the noise of the firing of any firearm.

“Machine gun”, as used in this Act, means any weapon which shoots or is designed to shoot automatically more than one shot, without manual re-loading by a single function of the trigger.

“Person”, as used in this Act, includes individual, firm, association or corporation.

“Dealer”, as used in this Act, means any person engaged in the business of selling firearms, machine guns, blackjacks or ammunition at wholesale or retail or any person engaged in the business of repairing such firearms or machine guns or manufacturing special barrels, stocks or trigger mechanisms which are fitted to guns for the purpose of improving their accuracy.

“Licensed Dealer” or “Licensee”, as used in this Act, means any such person licensed under the provisions of this Act.

“Ammunition”, as used in this Act, means all pistol or revolver ammunition except .22 caliber rim-fire ammunition.

“Sell” and “Purchase” and the various derivatives of such words, as used in this Act, shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring possession or ownership.

“Fugitive from justice”, as used in this Act, means any person who is fleeing to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

“Crime or violence”, as used in this Act, means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, house-breaking, larceny, robbery, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

1310-1.—If any person shall commit a crime of violence

in the Commonwealth of Kentucky when armed with or having readily available any deadly or dangerous weapon, he shall, in addition to the punishment otherwise provided for the crime, be punished by imprisonment for a term of not less than two, nor more than five years; upon a second conviction for a crime of violence so committed he shall, in addition to the punishment provided for the crime, be punished by imprisonment for a term of not less than five, nor more than ten years; upon a third conviction for a crime of violence so committed he shall in addition to the punishment provided for the crime, be punished by imprisonment for a term of not less than ten, nor more than fifteen years; upon a fourth or subsequent conviction for a crime of violence so committed he shall, in addition to the punishment provided for the crime, be punished by imprisonment for an additional period of not less than twenty, nor more than thirty years. Any sentence of imprisonment imposed under this Section shall be in addition to any punishment otherwise provided by law for the commission of a crime of violence, shall be cumulative thereto, and if such other punishment shall also be a term of imprisonment, shall be imposed and served as consecutive. Any indictment charging a person with a crime of violence shall be sufficient also to sustain a conviction and sentence under the provisions of this Section if such indictment, in addition to and at the end of the words describing such crime of violence, contains a statement that such crime of violence was committed when armed or having readily available any deadly or dangerous weapon, and it shall not be necessary to state a charge of violation of this Section as a separate count in any such indictment.

1310-2.—No person who is a fugitive from justice or who has been convicted in the Commonwealth of Kentucky or elsewhere of a crime of violence shall own or have in his possession a deadly or dangerous weapon within the Commonwealth of Kentucky. Any person who violates the provisions of this section shall be guilty of a felony and shall be impris-

oned in the penitentiary not less than two, nor more than ten years.

1310-3.—In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a deadly or dangerous weapon shall be *prima facie* evidence of his intention to commit said crime of violence.

1310-4.—No person shall, within the Commonwealth of Kentucky, carry concealed on or about his person, except in his dwelling house or place of business or on other land possessed by him, any pistol, without a license therefor issued as hereinafter provided.

1310-5.—The provisions of the preceding Section shall not apply to marshals, any other duly qualified officer including Commonwealth's Attorneys, County Attorneys, State Highway Patrolmen, State Police Officers, Game Wardens, Special Agents of the railway companies, or other officers whose duty it is, in any capacity, to enforce the laws of the Commonwealth, sheriffs, prison or jail wardens, or their deputies, policemen or to members of the Army, Navy, or Marine Corps of the United States or of the National Guard or Organized Reserves when on duty, or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States, provided such members are at or are going to or from their places of assembly or target practice, or to officers or employees of the United States or the Commonwealth of Kentucky, duly authorized to carry a concealed firearm, or to any licensed person engaged in the business of manufacturing, repairing or dealing in firearms, while on premises on which such business is carried on, or the agent or representative of any such person having in his possession, using, or carrying a firearm in the usual or ordinary course of such business, or to any person while carrying a firearm unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place

of business or in moving goods from one place of abode or business to another.

1310-6.—The chief of police of a municipality (or the sheriff of a county, if the applicant be not a resident of a municipality), shall issue to any person residing within his jurisdiction a license to carry a pistol in a vehicle or concealed on or about his person within this state for not more than one year from the date of issue, upon the receipt of an application from such person properly filled out on a form to be prescribed by the Secretary of State; provided that no such license shall be issued to any person who is, according to his application, or whom the issuing officer may have other reason to believe is, of unsound mind or is a drug addict or an habitual drunkard or is a vagrant having no visible means of support or who habitually frequents gambling house or houses of ill-fame or who has ever been convicted in the courts of this State or of any State or territory of the District of Columbia or of the United States, of any crime of violence, or who is a fugitive from justice or is less than eighteen years of age, provided that applications of persons less than twenty-one years of age must be approved by the parent or guardian of such applicant “and all applications must be approved by two of the following officers: (1) The Governor of the Commonwealth, (2) the Adjutant General of the Commonwealth, (3) the County Judge, (4) the County Attorney, (5) the Circuit Court Clerk, (6) the County Court Clerk, and (7) the Chief of Police of a municipality or, (8) the Sheriff of a County if the applicant be not a resident of a municipality therein.” The license shall be in triplicate, in form to be prescribed by the Secretary of State, and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee, the duplicate shall within one day be sent by registered mail to the Secretary of State and the triplicate shall be attached to the original application and preserved for six years by the authority issuing such license. The fee for issuing such license shall be

\$1.00, one-half of which shall be retained by the county or municipality whose officer shall have issued such license and one-half of which shall be paid into the Treasury of the Commonwealth of Kentucky. The violation by a person licensed under this section of any of the provisions of this Act or the conviction of such person in any court of this State or elsewhere of a crime of violence shall result in the revocation and forfeiture of such license.

1310-7.—No person shall, within the Commonwealth of Kentucky, engage in the business of selling or repairing, or sell, or expose for sale or have in his possession with intent to sell, any pistol, silencer, machine gun, black-jack or ammunition without being licensed as hereinafter provided. No person shall, within the Commonwealth of Kentucky, sell or have in his possession with intent to sell, to any person other than a licensed dealer or the persons designated in Section 1310-14 as entitled to possess the same, any machine gun, silencer, or black-jack. No person shall make any loan, secured by a mortgage deposit or pledge of a pistol, silencer, machine gun, or other dangerous weapons.

1310-8.—The Secretary of State may grant to reputable persons licenses as dealers, in the form prescribed by him, effective for not more than one year from the date of issue, permitting the licensee to sell pistols, silencers, machine guns, black-jacks and ammunition at wholesale or retail as the case may be, subject to the following conditions, in addition to those specified in Section 1310-9, for the breach of any of which the license shall be revoked and the licensee subject to punishment as provided in this Act.

1.—The business shall be carried on only by the particular person and at the particular place designated in the license; but this sub-division of this Section shall not be construed to prohibit the holder of a dealer's license from doing business with purchasers located elsewhere within the State by any means of lawful intra-state commerce.

2.—The license or a copy thereof, certified by the issuing authority, shall be prominently displayed on the premises.

3.—No pistol or ammunition shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is a drug addict or has been convicted in the Commonwealth of Kentucky or elsewhere of a crime of violence or is under the age of eighteen years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, silencer, or black-jack shall be sold to any person other than the persons designated in Section 1310-12 as entitled to possess the same, and then, only after written permission to make such sale has been obtained from the chief of police of the municipality or the sheriff of the county, of the purchaser's residence.

4.—A true record shall be made by the licensee in a book kept for the purpose, the form of which may be prescribed by the Secretary of State, of all pistols, silencers, machine guns, and black-jacks in the possession of the licensee, which said record shall contain the date of purchase, the caliber, make, model and manufacturer's number of the weapon, to which shall be added, when sold, the date of sale and the name and address of the purchaser.

5.—A true record in triplicate shall be made by the licensee of every pistol, silencer, machine gun and black-jack sold, said record to be made in the form prescribed by the Secretary of State and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other and shall contain the date of the sale, the name, address, occupation, color, and place of birth of the purchaser, and, so far as applicable, the caliber, make, model, and manufacturer's number of the weapon, and a statement signed by the purchaser that he has never been convicted in the Commonwealth of Kentucky or elsewhere of a crime of violence, is not a fugitive from justice, a drug addict nor a

habitual criminal, and that he is over seventeen years of age. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within one day send to the Secretary of State; the triplicate the dealer shall retain for six years. This section shall not apply to sales at wholesale to licensed dealers.

6.—No pistol or machine gun or imitation thereof or placard advertising the sale thereof shall be displayed in any part of said premises where it can readily be seen from the outside.

7.—No dealer shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of application and the signing of the dealer's register for such purpose, and unless it is unloaded and securely wrapped.

8.—The Secretary of State may charge and collect a fee of \$2.50 for the issuance of a license hereunder.

1310-9.—No person who is required to give information or to offer evidence of his identity by any provision of this Act, shall give false information or offer false evidence of his identity.

1310-10.—No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same within the Commonwealth of Kentucky; provided, however, that nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the Commonwealth of Kentucky or of any political subdivision thereof engaged in experimental work.

1310-11.—This Act shall not apply to antique pistols nor shall it apply to machine guns possessed as ornaments or curios and rendered permanently unsuitable for use.

1310-12.—No person shall within the Commonwealth of Kentucky possess any machine gun, or silencer, or any instrument or weapon of the kind commonly known as a black-jack, sling-shot, sand club, sandbag, or metal knuckles; provided, however, that nothing in this section shall apply to members of the Army, Navy, or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly appointed law-enforcement officers, Officers or employees of the United States duly authorized to carry such weapons, nor to banking institutions, public carriers who are engaged in the business of transporting, mail, money, securities, or other valuables, who have obtained written permission from the Chief of Police if located in a municipality, or the sheriff of the county, or the Commissioner of Public Safety of the State to Purchase and possess such deadly or dangerous weapons, and dealers licensed under Section 1310-8.

1310-13.—Any person who obtains a pistol, machine gun, silencer, or black-jack by fraud, deceit, theft or violence or who receives, conceals, stores, barter, sells, or dispose of a pistol, silencer, machine gun or black-jack, knowing, or having reasonable cause to believe, that said pistol, silencer, machine gun or black-jack has been stolen, shall be guilty of a felony, and shall be imprisoned in the penitentiary not less than five, nor more than ten years for the first offense and not more than fifteen years nor less than five years for the second offense or any offense subsequent thereto.

1310-14.—Any violation of any provision of this Act for which no penalty is specifically provided shall be punished by a fine not to exceed Five Hundred Dollars, or imprisonment in the county jail or workhouse not less than thirty days nor more than six months, or imprisonment in the penitentiary not less than one year or more than three years.

1310-15.—If any part of this Act is for any reason declared void, such invalidity shall not affect the validity of the remaining portions of this Act.

1310-16.—All licenses heretofore issued within this State permitting the carrying of firearms concealed upon the person shall expire ninety days after the effective date of this Act.

§ 2. Existing Sections 1310, 1311, 1312, and 1313 shall be and are hereby repealed.

By Mr. Hulette:

H. B. 376. An Act to prohibit boards of education and boards of Regents of colleges, universities and high schools from employing teachers who are not residents of the Commonwealth of Kentucky; providing for the requirement of teachers in high schools, colleges and universities, and providing penalties for the violation of this act; and repealing all laws or parts of laws in conflict herewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no county board of education, or board of Regents of any state college or of any state university shall employ any teacher, either male or female, white or colored, to teach in any of the above named institutions, i. e., high school, college or university, *except* that such person so employed shall be a resident of the Commonwealth of Kentucky, and that the same shall have resided within this State for a period of three years preceeding his/or her/employment by the said county board or board of regents.

§ 2. That the qualifications of the teacher, or teachers, employed under the provisions of this act shall be according to the requirements of the laws heretofore enacted by the General Assembly of the Commonwealth.

§ 3. Any person violating the provisions of this act shall be guilty of a misdemeanor and his punishment shall be fixed at a fine of not less than \$300.00 and not more than \$500.00, same to be fixed by the trial judge who shall try the accused in the event of his indictment for the violation of this act.

§ 4. All laws or parts of laws in conflict herewith are hereby repealed.

§ 5. This act shall take effect at the beginning of the school year 1936-1937.

By Mr. Hunicutt:

H. B. 377. An Act to amend Section 2740, Kentucky Statutes, by Carroll, 1934 Official Supplement to Official 1930 Edition, also Chapter 34, of the Acts of the General Assembly of Kentucky of 1934, relating to classifications of the cities and towns of the State so as to change the town of Park Hills, Kenton County, from a town of the sixth class to a city of the fifth class, to be and the same are hereby amended as follows; and declaring an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2740, Kentucky Statutes, by Carroll, Official 1934 Supplement to the Official Edition 1930, also Chapter 34, Acts of 1934, of the General Assembly of Kentucky, be amended by adding to the list of cities of the fifth class the words, "Park Hills, Kenton County," so that when amended said section shall read as follows:

First Class—Louisville, Jefferson County.

Second Class—Lexington, Fayette County; Covington, Kenton County; Newport, Campbell County; Paducah, McCracken County; Ashland, Boyd County.

Third Class—Owensboro, Daviess County; Henderson,

Henderson County; Frankfort, Franklin County; Bowling Green, Warren County; Middlesboro, Bell County; Hopkinsville, Christian County; Maysville, Mason County; Corbin, Whitley County and Knox County.

Fourth Class—Shelbyville, Shelby County; Richmond, Madison County; Winchester, Clark County; Dayton, Campbell County; Paris, Bourbon County; Catlettsburg, Boyd County; Danville, Boyle County; Mt. Sterling, Montgomery County; Georgetown, Scott County; Versailles, Woodford County; Harrodsburg, Mercer County; Bellevue, Campbell County; Cynthiana, Harrison County; Mayfield, Graves County; Lebanon, Marion County; Ludlow, Kenton County; Nicholasville, Jessamine County; Pineville, Bell County; Madisonville, Hopkins County; Princeton, Caldwell County; Fulton, Fulton County; Lawrenceburg, Anderson County; Russellville, Logan County; Carrollton, Carroll County; Central City, Muhlenberg County; Franklin, Simpson County; Barbourville, Knox County; Providence, Webster County; Morganfield, Union County; Pikeville, Pike County; Somerset, Pulaski County; Murray, Calloway County; Jackson, Breathitt County; Elizabethtown, Hardin County; Hazard, Perry County; Hickman, Fulton County; Scottsville, Allen County; Earlington, Hopkins County; Olive Hill, Carter County; Irvine, Estill County; Marion, Crittenden County; Clifton, Campbell County; Fort Thomas, Campbell County; Russell, Greenup County; Harlan, Harlan County; Paintsville, Johnson County; Sturgis, Union County; Prestonsburg, Floyd County; Greenville, Muhlenberg County.

Fifth Class—Lancaster, Garrard County; Cadiz, Trigg County; Grand River, Livingston County; Columbus, Hickman County; Glasgow, Barren County; Cloverport, Breckinridge County; Bardstown, Nelson County; Augusta, Bracken County; Stanford, Lincoln County; Williamsburg, Whitley County; Clinton, Hickman County; Midway, Woodford County; Flemingsburg, Fleming County; Vanceburg, Lewis Coun-

ty; Elkton, Todd County; Falmouth, Pendleton County; Carlisle, Nicholas County; Uniontown, Union County; Campbellsville, Taylor County; Hawesville, Hancock County; Eminence, Henry County; Eddyville, Lyon County; Leitchfield, Grayson County; Owingsville, Bath County; Sebree, Webster County; Clay, Webster County; Wickliffe, Ballard County; Morehead, Rowan County; Bardwell, Carlisle County; Dawson Springs, Hopkins County; Millersburg, Bourbon County; Calhoun, McLean County; Springfield, Washington County; Corydon, Henderson County; Hartford, Ohio County; Morton's Gap, Hopkins County; Livermore, McLean County; Beattyville, Lee County; Owenton, Owen County; Burnside, Pulaski County; Warsaw, Gallatin County; Monticello, Wayne County; Berea, Madison County; LaGrange, Oldham County; Guthrie, Todd County; Houstonville, Lincoln County; Drakesboro, Muhlenberg County; Tompkinsville, Monroe County; Hellier, Pike County; Perryville, Boyle County; Wilmore, Jessamine County; Greenup, Greenup County; Horse Cave, Hart County; Brooksville, Bracken County; Whitesburg, Letcher County; Columbia, Adair County; Elkhorn City, Pike County; Manchester, Clay County; Beaver Dam, Ohio County; Revenna, Estill County; Louisia, Lawrence County; Burkesville, Cumberland County; London, Laurel County; Cumberland, Harlan County; Grayson, Carter County; Neon, Letcher County; Raceland, Greenup County; Williamstown, Grant County; Salyersville, Magoffin County; Park Hills, Kenton County.

§ 2. Whereas, it is necessary for the assigned city mentioned herein to make its tax levy for this year under the charter of the town to which it has been assigned, an emergency is hereby declared to exist and this Act shall take effect and be in full force and effect from and after its passage, and approval by the Governor.

§ 3. All Acts or parts of Acts inconsistent herewith are hereby repealed.

By Mr. Hulette:

H. B. 378. An Act to amend and re-enact Section 4399, Subsection 32, Carroll's Kentucky Statutes, Baldwin's Revision of 1934, providing for expense of school board members.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4399-32 of Carroll's Kentucky Statutes, Baldwin's Revision of 1934, be and the same is hereby amended and re-enacted so that said section when so amended and re-enacted, will read as follows:

"Members of the County Boards of Education shall receive no salary, but each member shall receive a per diem of \$5.00 and in addition thereto, shall be allowed out of the County School Fund their actual and necessary expenses incurred in the performance of their duties authorized by the board, but in no case shall the per diem and expenses for any member exceed \$120.00 per year. All claims shall be made out according to law and filed with the secretary of the board and shall be approved and paid as other claims against the board."

By Mr. Larimore:

H. B. 379. An Act for the protection of squirrels, amending and re-enacting Chapter 58 of the Acts of the 1930 General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 58 of the Acts of the 1930 General Assembly, being Section 1938a-4, Kentucky Statutes, Carroll's

1933 Supplement, be amended and re-enacted, and when so amended and re-enacted shall read as follows, to wit:

“No person shall, between the 1st day of November and the 14th day of June, both days inclusive of any year, catch, kill, injure or pursue with such intent, any squirrel, or any part of any squirrel, no matter when or where caught or killed, whether caught or killed in this state or any other state, territory, country or place, except as provided for in Section 1938a-13 of this Act; and during the open season no person shall kill more than twelve (12) squirrels in any one day, and no person shall have in his possession at any one time more than twenty-four (24) squirrels.”

By Mr. Byers:

H. B. 380. An Act to repeal, amend and re-enact Section 36 of Chapter 65 of the 1934 Acts of the Kentucky Legislature, providing that the sheriff shall receive ten per cent for collecting the first five thousand dollars and four per cent upon the residue for collecting all school taxes, and declaring an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 36 of Chapter 65 of the 1934 Acts of the General Assembly be repealed, amended and re-enacted and when so repealed, amended and re-enacted shall read as follows:

36. *Collection of School Taxes.*—School taxes shall be collected by the regular tax collectors for the tax levying authorities which make the school levies for the various districts, except, as provided herein. The bond of the regular tax collector shall be made to cover his duties as tax collector of the school district or districts for which he collects taxes, and he shall receive for collecting all school taxes ten (10) per

cent for the first five thousand dollars (\$5,000.00) and four (4) per cent for all additional revenue, and in no event may any fee be charged for collecting or receiving any school taxes or school funds other than those received from the local school levy; provided, however, that an independent school district may select a special tax collector to collect its school taxes, in such case, the special tax collector shall be required to execute bond in the same manner as provided herein for the execution of a treasurer's bond, and the penal sum of the bond shall not be less than the aggregate of the tax bills that come into the hands of the special tax collector.

It shall be the duty of the clerk to include all school taxes on the regular tax bills furnished the tax collector, except, in case an independent district had selected a special tax collector and in such case the school taxes shall be listed by the clerk on a separate bill, and the clerk shall be allowed a fee not to exceed three (3) cents for each separate school tax bill, which fee shall be paid by the independent district board of education.

The sheriff in each county of the Commonwealth of Kentucky having lost a considerable amount of revenue because of the repeal of the Gross Receipts Sales Tax, an emergency is hereby declared and this act shall take effect, from and after its passage and approval as required by law.

By Mr. Holbrook:

H. B. 381. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at Tom B. Sutton's Store on Ball's Fork of Troublesome Creek in Knott County to the mouth of Ogden Creek connecting with Highway No. 80, just below Hindman in Knott County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road beginning at Tom B. Sutton's Store on Ball's Fork of Troublesome Creek in Knott County to the mouth of Ogden Creek connecting with Highway No. 80 just below Hindman in Knott County.

§ 2. This road thus established to be entitled to receive all benefits of such laws as are now or may hereafter be in effect relating to the primary system of roads and highways in the Commonwealth of Kentucky.

By Mr. Milam:

H. B. 382. An Act to add to the primary system of public roads, a road leading from a point in the Keysburg, Allensville and Elkton road near Thad Youngs in Logan County and running thence west about a distance of three miles to the Todd County Line, thence west in Todd County a distance of about one-half mile connecting with a road running to the town of Guthrie in Todd County, Kentucky, an approximate distance totaling $3\frac{1}{2}$ miles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as a part of the Primary System of the State Highways of the Commonwealth of Kentucky, a road:

Beginning at an intersection of the Keysburg, Allensville and Elkton road about one-half mile west of the village of Keysburg near Thad Youngs running thence in a westerly direction a distance of 3 miles to the Tod County line, thence west in Todd County a distance of about one-half mile to a point in the Guthrie road, which is about 5 miles east of the town of Guthrie, a total distance of approximately $3\frac{1}{2}$ miles.

§ 2. The construction, maintenance, supervision and

control of said road shall be subject to and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways, the same as though said road had been named in said original Act as one of said primary system of highways.

By Mr. Carter:

H. B. 383. An Act establishing as a part of the primary system of State highways, a road beginning near Bert High's place on State Highway No. 63 in Monroe County, Kentucky, via Forkton, Sulphur Lick and Logan's Cross Roads to Temple Hill in Barren County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established as a part of the primary system of the State Highways of the Commonwealth of Kentucky, a road beginning near Bert High's place on State Highway No. 63 in Monroe County, Kentucky, via Forkton, Sulphur Lick and Logan's Cross Roads to Temple Hill in Barren County.

The road thus established shall be entitled to receive all the benefits of such laws as are now or may hereafter be in effect with relation to the state primary road and highway system.

By Mr. Wall:

H. B. 384. An Act establishing and creating as a part of the Primary System of roads and highways of the Commonwealth of Kentucky, a road beginning at a point on Highway 58 were the ridge road now being constructed by the Resettlement Administration of the United States of America

intersects said highway, on the State Game Refuge in Lyon County; thence to the Hillman Ferry on the Tennessee river by way of Star Lime Works, a distance of approximately five miles, all of said road being in Lyon County, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There hereby is established as a part of the Primary System of State Roads and Highways of the Commonwealth of Kentucky, a road beginning at a point on Highway 58 where the ridge road now being constructed by the Resettlement Administration of the United States of America intersects said highway, on the State Game Refuge in Lyon County; thence to the Hillman Ferry on the Tennessee river by way of Star Lime Works, a distance of approximately five miles, all of said road being in Lyon County, Kentucky.

§ 2. The construction, maintenance, supervision, and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17, page 76, of the Acts of 1920, establishing and creating a Primary System of State Highways, as amended, and be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect with relation to Primary System of State Highways.

§ 3. Said project when completed shall be known and designated as State Project No.

By Mr. Milam:

H. B. 385. An Act to add to the primary system of public roads, a road leading from the intersection of the Elkton, Alensville and Keysburg road at a point near Irbie Pages in Logan County running in an easterly direction a distance of about 6 miles intersecting the Russellville-Keysburg road at a point near Green Baileys in Logan County, a total distance of approximately 6 miles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the Primary System of the State Highways of the Commonwealth of Kentucky, a road:

Beginning at a point in the State Highway known as the Elkton, Allensville and Keysburg road near Irbie Pages in Logan County and running east a distance of about 6 miles intersecting the State Highway known as the Russellville-Keysburg road at a point near Green Baileys, a total distance of approximately 6 miles.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways, the same as though said road had been named in said original Act as one of said primary system of highways.

By Dr. Shields:

H. B. 386. An Act establishing and creating as a part of the Primary System of roads and highways of the Commonwealth of Kentucky, a road beginning at the top of Martin Hill and running to Mitchell Hill by way of Knob Creek, a distance of about five miles, to a point where Mitchell Hill joins the Jefferson County line, all of said road being in Bullitt County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as a part of the Primary System of State Roads and Highways of the Commonwealth of

Kentucky, a road beginning at the top of Martin Hill and running to Mitchell Hill by way of Knob Creek, a distance of about five miles, to a point where Mitchell Hill joins the Jefferson County line, all of said road being in Bullett County.

The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17, page 76 of the Acts of 1920, establishing and creating a Primary System of State Highways, as amended, and be entitled to and receive all the benefits of such laws as are now or may hereafter be in effect with relation to the Primary System of State Highways.

Said project when completed shall be known and designated as State Project No.

By Mr. Davis:

H. B. 387. An Act to add to the primary road system a certain road in Carter and Lawrence counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That a certain road be added to the Primary Road System and more fully described as follows:

Beginning at Hitchins, Kentucky, in Carter County, thence to Denton, in Carter County, thence up Straight Creek to Cunningham's store, thence down East Fork by way of Glennwood, in Lawrence County, intersecting with the Mayo Trail at or near the Riffe filling station.

This project is to be under the supervision and control of the State Highway Commission and subject to all its law thereof.

By Mr. Hammons:

H. B. 388. An Act creating and establishing as a part of

the State Primary System of Roads and Highways a road project, beginning at the end of Richland Street in Barbourville, Knox County, Kentucky, and leading through Apple Grove so as to intersect with the Dr. Thomas Walker Memorial Highway.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established as a part of the primary roads and highways of the Commonwealth of Kentucky, a road beginning at the end of Richland Street in Barbourville, Knox County, Kentucky, thence through Apple Grove so as to intersect with the Dr. Thomas Walker Memorial Highway, a distance of about two miles.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all terms set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, creating and establishing a primary system of roads, the same as if said road had been named in said original act as one of the projects of said Primary System of the Commonwealth of Kentucky.

By Mr. Stewart:

H. B. 389. An Act creating and establishing as a part of the Primary System of Highways of the Commonwealth of Kentucky, a road beginning on the Greenup-Grayson Highway, State Road No. 28, at the mouth of Lost Creek in Greenup, then running up Lost Creek, thence over the hill to Kehoe, in Greenup County, connecting with state road No. 47a, running a distance of approximately 7 miles long, and designated the same as Project

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and is hereby established as a part of the State Primary System of roads of the Commonwealth of Kentucky, a road leading from a point on the Greenup-Grayson Highway, state road No. 28, at the mouth of Lost Creek in Greenup County, thence up Lost Creek in a westerly direction, thence over a hill to Kehoe, Kentucky, in Greenup County, connecting with the Fullerton-Olive Hill Highway, state road No. 47a, the approximate length of this Lost Creek road being about 7 miles, and said road thus established shall be designated as Project No.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Act of the General Assembly of 1920, establishing and creating a primary system of State Highways.

By Mr. Stewart:

H. B. 390. An Act creating and establishing as part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point on the Fullerton-Olive Hill Highway, state road No. 47A, in Greenup County, at Rocky Ford Bridge; thence up Big White Oak Creek in a western direction up Big White Oak Creek to point where said road intersects with Sunshine-Leatherwood road, being about 5 miles in length, and said road to be designated as state road project No.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and is hereby established as a part of the State Primary System of Roads of the Commonwealth of Kentucky, a road leading from a point on the Fullerton-Olive Hill Highway, state road No. 47A, at Rocky Ford Bridge in Greenup County, thence up Big White Oak Creek, ap-

proximately 5 miles to Kenton Furnace where said road intersects with Sunshine-Leatherwood road, said road to be designated as and known as Project No.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920 establishing and creating a primary system of State Highways.

By Mr. Stewart:

H. B. 391. An Act creating and establishing as part of the primary system of highways of the Commonwealth of Kentucky a road beginning at a point on the Greenup-Russell Highway, state road No. 138, at Chinn's Branch railroad crossing, in Greenup County; thence North across C. & O. Railroad tracks, thence East to the City of Worthington, in Greenup County, being a road about 2 miles in length, and said road to be designated as state road project No.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the State Primary System of Roads of the Commonwealth of Kentucky, a road leading from a point on the Greenup-Russell Highway, state road No. 138, at Chinn's Branch railroad crossing, in Greenup County, thence North across the C. & O. Railroad tracks about $\frac{1}{4}$ mile; thence East about $1\frac{1}{2}$ miles to the City of Worthington, in Greenup County, and said road to be designated as state road project No.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920 establishing and creating a primary system of state highways.

. By Mr. Stewart:

H. B. 392. An Act creating and establishing as a part of the primary system of highways of the Commonwealth of Kentucky a road beginning at Sunshine on the Fullerton-Olive Hill highway, state road No. 47a, in Greenup County, thence by way of White Oak road, Flat Hollow road to a point on Greenup-Vanceburg road, state road No. 138 in Greenup County, approximately 3 miles in length, said road to be designated as project No.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and is hereby established as a part of the state primary system of roads of the Commonwealth of Kentucky, a road leading from a point on the Fullerton-Olive Hill Highway, state road No. 47A, at Sunshine, in Greenup County; thence up White Oak road in a westerly direction, to Flat Hollow road; thence in a northerly direction up Flat Hollow road, and over the hill to a point on the Greenup-Vanceburg Highway, said road being approximately 3 miles in length.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of State Highways.

The said road thus established shall be known and designated as Project No.

By Mr. Stewart:

H. B. 393. An Act establishing as part of the primary system of state highways a road leading from the Greenup-Ashland at Wurtland in Greenup County to the Flat-

woods-Simington road in Greenup County, via Uhlers Branch and Old Steam Furnace, following as near as possible the present gravel road, same to be known as Project No.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as part of the primary system of state highways of the Commonwealth of Kentucky, a road starting at a point on the Greenup-Ashland Highway, road project No. 138, near Wurtland in Greenup County; thence running in a southerly direction up Uhlers Branch, then by Old Steam Furnace and intersecting with the Flatwoods-Simington road, state road project No. 495, in Greenup County, approximately 4 miles in length, and following as near as possible the present gravel road, same to be known as project No.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by a provision of Chapter 17 of the Acts of the General Assembly of 1920 establishing and creating a primary system of state highways to the same effect as if said road had been named in the original act as one of the projects of the primary system of State Highways of the Commonwealth of Kentucky as provided herein.

By Mr. Stewart.

H. B. 394. An Act establishing as a part of the primary system of State Highways a road leading from Argillite in Greenup County to the Boyd County line at Naples, Kentucky, in Greenup County, via of Culp Creek, Chadwicks Branch and East Fork Creek, following as near as possible the present dirt road, same to be known as project No.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as part of the primary system of State Highways of the Commonwealth of Kentucky, a road starting at a point on the London-Greenup road, state road project No. 28, at Argillite in Greenup County; thence in an easterly direction up over a hill thence up Culp Creek, to Chadwicks Branch; thence down Chadwicks Branch to East Fork Creek; thence up East Fork Creek in an easterly direction to the Boyd County line near Naples Post Office in Greenup County, following as near as possible the present dirt road, same to be known as project No.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by a provision of Chapter 17 of the Acts of the General Assembly of 1920 establishing and creating a primary system of State Highways to the same effect as if said road had been named in the original act as one of the projects of the primary system of State Highways of the Commonwealth of Kentucky as provided herein.

By Mr. Stewart.

H. B. 395. An Act establishing as part of the primary system of State Highways a road leading from a point on the Greenup-Grayson Highway, state road No. 28, near Oldtown Post Office in Greenup County, thence along the North Fork of Oldtown Creek, thence up a hill and connecting with the Greenup-Redhot road, state road No. 494, at the top of Laurel Hill, in Greenup County, following as near as possible the present dirt road, same to be known as project No.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established as part of the primary

system of State Highways of the Commonwealth of Kentucky, a road starting from a point on the Greenup-Grayson road, state road No. 28, just north of Oldtown Post Office, in Greenup County, thence along the North Fork of Oldtown Creek in a Northwesterly direction, thence up a hill and connecting with the Greenup-Redhot road, state road No. 494, at the top of Laurel Hill in Greenup County, said road being approximately 6 miles long, and following as near as possible the present dirt road, same to be known as project No.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to and controlled by a provision of Chapter 17 of the Acts of the General Assembly of 1920 establishing and creating a primary system of State Highways to the same effect as if said road had been named in the original act as one of the projects of the primary system of state highways of the Commonwealth of Kentucky as provided herein.

By Mr. Larimore:

H. B. 396. An Act establishing as a part of the state primary system a road project from Greensburg-Hardyville highway near Earl Ronalds's farm in Green County to the Greensburg Caril Hope road near the farm of Luther Tucker, via. D. G. Davis's farm.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established and created as part of the State Highway System of Highways, a road beginning at a point in the Greensburg-Hardyville highway near the farm of Earl Ronald, in Green County, about one-fourth of a mile south of Green River, thence via. D. G. Davis' farm to a point in the Greensburg Crail Hope road near the farm of

Luther Tucker about one mile north of Pierce, Green County, Kentucky.

The project herein established shall be subject to all laws for the benefit of other State Highways of the State of Kentucky.

By Mr. Hulette:

H. B. 397. An Act creating and establishing as a part of the primary system of Highways of the Commonwealth of Kentucky a road beginning at or near the west end of the Louisville and Nashville Railroad Bridge in Frankfort, Franklin County at project No. 37 and running via the Benson road in Franklin County to Highway No. at or near Bagdad in Shelby County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby and established as a part of a primary system of highways of the Commonwealth of Kentucky a road beginning at Highway No. 37 at the west end of the old Louisville and Nashville Railroad Bridge in Frankfort, Franklin County, Kentucky, and thence west of the Louisville and Nashville Railroad through Benson Valley by Conway's Mill; thence by Benson Church; thence to the fork of the pike one-fourth of a mile south of Mt. Zion Church; thence to Benson Creek one-half mile east of Hatton and thence to Bagdad in Shelby County to connect with Project No. to be known and designated as Project No.

By Mr. MacDonald:

H. B. 398. An Act establishing as part of the primary system of State highways a road from Hilltop on the Milltown

and Helena Highway running to No. 32 at Pleasant Ridge, via Tea Run.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State Highways of the Commonwealth of Kentucky, a road leading from Hilltop on the Milltown and Helena Highway running to No. 32 at Pleasant Ridge, via Tea Run.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

By Mr. MacDonald:

H. B. 399. An Act establishing as part of the primary system of State Highways a road from Flemingsburg and Fairview highway near Wayside School House, via Mt. Tabor Church, top of Still House hill, on into Nicholas County following approximately the Buchanan road to No. 32.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Flemingsburg and Fairview Highway near Wayside School House via Mt. Tabor Church,

top of Still House hill, on into Nicholas County following approximately the Buchanan road to No. 32.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

By Mr. Lee:

H. B. 400. An Act relating to roads and highways, and describing and establishing a project to be added to the primary system of state roads and highways, a road beginning in Lee County at or near a point where Big Sinking Creek intersects State Road No. 52, which point is near the Sandfield schoolhouse; thence up Big Sinking Creek to the intersection with Little Sinking Creek, and thence up Little Sinking Creek to State Road No. 11, at or near Zachariah.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A road beginning in Lee County at or near a point where Big Sinking Creek intersects State Road No. 52, which point is near the Sandfield schoolhouse; thence up Big Sinking Creek to the intersection with Little Sinking Creek, and thence up Little Sinking Creek to State Road No. 11, at or near Zachariah, be and the same is hereby designated and established as part of the primary system of the state highways of the Commonwealth of Kentucky, to be known as State Primary Project No.

§ 2. That said road shall have and secure all the benefits of the State Primary road system under Chapter 17 of the Acts of 1920, and all amendments thereto.

By Mr. MacDonald:

H. B. 401. An Act establishing as part of the primary system of State highways a road from Flemingsburg and Fairview Highway in Ewing, following approximately the Metcalf Mill road to No. 68 near Mayslick.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky a road leading from Flemingsburg and Fairview Highway in Ewing, following approximately the Metcalf Mill road to No. 68 near Mayslick.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to and controlled by the provisions of Chapter 17 of the Acts of the General Assembly of 1920, and all other laws pertaining thereto establishing and creating the primary system of State highways, to the same effect as if said road had been named in the original Act as one of the projects of the primary system of State highways as provided therein.

By Mr. Nickell:

H. Res. 42. Resolution authorizing Florence McGuire and Josephine McGuire to sue the Commonwealth of Kentucky and the State Highway Commission, for damages to their property at the junction of Highway No. 40 and No., in West Liberty, Kentucky, and/or for the removal of a fill made thereon.

Said resolution is as follows, viz:

Whereas, during the year 1934, the State Highway Commission reconstructed and resurfaced part of Highway No. 40

through the town of West Liberty, Kentucky, in Morgan County, and

Whereas it is claimed by Florence and Josephine McGuire, joint owners of property at the junction of Highways No. 40 and No., that the said Commission made an authorized and unnecessary fill on said Highway No. 40 at said junction and extended same down Highway No., on Prestonsburg Street raising the level of said Highway and said street from 2 to 3½ feet above the level of their property, and

Whereas, the said Highways Nos. 40 and, had already been graded and the grade and level thereof established, and said fill was made over the objection and protest of said Florence and Josephine McGuire, and changes the said grade and level of said highways from that already established: Now, Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Florence McGuire and Josephine McGuire are hereby permitted and authorized to sue the Commonwealth of Kentucky, and State Highway Commission for any damages they may have sustained by reason of said change in the grade or level of said highway and street, or either, and/or for the removal of said fill.

Either party may appeal from any judgment which may be rendered therein and the controversy may be settled and adjusted as other civil cases.

By Mr. Hines:

H. Res. 43. Resolution authorizing the personal representative of Clay Lightfoot, deceased, and Rena Lightfoot to sue the Commonwealth of Kentucky and the State Highway Commission of the State of Kentucky or either of them.

Said resolution is as follows, viz.:

Whereas, on or about November 19, 1935, Clay Lightfoot, then 66 years of age and able-bodied, and his wife, Rena Lightfoot, then 72 years of age and able-bodied, of Bowling Green, Warren County, Kentucky, while walking along a public highway known as the Russellville Road, Federal Highway No. 68, were injured by a truck then and there owned and operated by the State Highway Commission of the State of Kentucky then and there acting through its agent and employees in the usual and customary performance of their duties as such; and,

Whereas, the said Clay Lightfoot, as the sole, direct and proximate result of his injuries received at the time and place stated by being struck by said truck, died on or about December 14, 1935, and Rena Lightfoot at the time and place stated was seriously, painfully and permanently injured in such a manner as to incapacitate her from the performance of any labor whatever for the remainder of her life; and,

Whereas, the said Clay Lightfoot at the time of his injuries was earning \$700.00 per year and was required to expend for medical and hospital expenses prior to his death as a result of his injuries \$300.00, and Rena Lightfoot was earning at the time of her injuries \$200.00 per year and was required to expend for medical attention, drugs and doctors' bills for treatment as a result of her injuries \$350.00; and,

Whereas, the injuries of the said Clay Lightfoot, deceased, and the injuries of Rena Lightfoot, and of each of them, were caused and produced by the carelessness and negligence of the State Highway Commission then and there acting through its agents and employees then and there in the performance of their duties as such while they themselves, and each of them, were free of any negligence whatever which attributed to or in any wise brought about their said injuries: Now, Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the personal representative of the estate of Clay Lightfoot, deceased, and Rena Lightfoot be, and they hereby are, authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission of the State of Kentucky, or either of them, in the Circuit Court held in and for Warren County in the State of Kentucky, this being the county of their residence and the county in which said collision occurred and in which said claims for damages arose, for such damages, if any, as they, and each of them, may have suffered by reason of the injuries received and the resulting death of Clay Lightfoot, deceased, therefrom, arising through the carelessness or negligence of the State Highway Commission of the State of Kentucky, then and there acting through its agents or employees.

§ 2. Said suit of the said Rena Lightfoot shall be for an amount not exceeding the sum of \$5,000.00, and said suit by the personal representative of the estate of Clay Lightfoot, deceased, shall be for an amount not exceeding \$15,000.00, and in the event any judgment or judgments are recovered by the personal representative of the estate of Clay Lightfoot, deceased, and by Rena Lightfoot in said suits for damages, or in the event either or both of said suits are compromised or settled, the amount or amounts of said judgment or judgments or the amount or amounts of a compromise or settlement growing out of said suits and terminating same shall be paid by the Auditor of Public Accounts by a warrant or warrants drawn on the State Treasurer of the State of Kentucky, and payable out of the General Fund.

Either party in either of said suits may appeal from any judgment which may be rendered herein as in any other civil suit, and each of said suits may be settled and adjusted with the consent and approval of the Attorney General of the State of Kentucky in the same manner as in any other civil suit.

Ordered that said bills and resolutions be referred.

Dr. Shields moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.